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Tennessee's Amazing "Privilege Tax"

JAMES E. THOROGOOD

University of the South

The constitution of Tennessee has been unamended since its creation in 1870 while the constitutions of all other American states have either been amended or rewritten since 1912. Actually, this contrast is even more striking than the previous sentence would indicate, since the 1870 constitution was not a thorough-going revision of the previous constituent law (adopted in 1835) but was merely a relatively minor modification of certain clauses, chiefly dealing with the franchise.

As might be expected of a constitution written originally when most wealth was in the form of tangible property, chiefly real-estate, the fiscal provisions of the 1870 document failed to confer broad enough powers to enable the legislature to adopt a sound and equitable revenue system as the needs and functions of the State government expanded and as social and economic changes altered the nature of tax sources.

The existence of an inadequate constitution without amendments during seventy-seven years of unprecedented change in the life of the state has produced results very interesting to students of economics, government and sociology. The well-known maxim that time changeth all things is in no way disproven by the remarkable longevity of the state's constitution. True, it has not been formally amended, but it has been changed. Some of its provisions have been virtually repealed by evasion which has long since been tacitly accepted by government officials and taxpayers. The most notable example of this is the "general property tax clause" which, with relatively minor exceptions, requires that all property, real and personal, tangible and intangible, be taxed at a uniform rate on the basis of its value. This particular form of evasion, resulting both from failure to report personal property for taxation and from gross underassessment of real estate, is of course common in many states which attempt to impose a general property tax law, but comparisons indicate that Tennessee taxpayers have consistently reported less intangible property than those of other states. A table inserted in the *Comptroller's Report* in 1900 showed that the proportion of per-

sonalty assessment to realty assessment in Tennessee was only 12.21 per cent, while in no other Southern state was it less than twenty per cent and the average for other Southern states was nearly thirty per cent.¹ Personal property assessments have been consistently less than the amount of bank deposits alone during the entire period since 1870. Governor Peay in 1923 estimated that two billion dollars of personalty was escaping taxation.²

The constitutional limitation of \$4.00 per day on the compensation of legislators, with a further provision that a regular session should not exceed seventy-five days, has also been by-passed by the making of appropriations of \$750.00 per member for unspecified "expenses."

The most unusual result produced by the combination of an inadequate and a rigid constitution, however, has been the remarkable degree to which the "privilege tax clause" has been exploited, especially during the past twenty-five years. Between 1870 and 1923 the State government relied chiefly upon receipts from the general property or *ad valorem* tax. However the constitution of 1870 (as well as the constitution of 1835) stated that the legislature might, as a general exception to the rule that all other taxes should be equal and uniform, tax merchants, peddlers and privileges at such rates and in such manner as they saw fit.

Historical evidence indicates that the privilege tax clause was included by members of the constitutional convention who represented agricultural interests on the grounds that merchants and peddlers should be more heavily taxed on their property than farmers. Members representing agriculture were dominant at both the 1870 and the 1834 conventions. No record exists of opposition to the clause in 1834, but in 1870 the merchants of Nashville first entertained convention delegates at an elaborate "merchants banquet" and later lodged a strong protest with the convention against the inclusion of "merchants" along with "peddlers" and "privileges" as subjects of special taxation. Their petition was ignored, however, and subsequently merchants were taxed on their stocks of goods at much heavier rates than owners of other property paid.

The merchants had no objection to special taxation of peddlers, who competed vigorously with them during that period, and in fact the peddlers were subjected to such drastic taxation on certain types of sales as to eliminate them altogether.

As for the taxation of privileges, permitted by both the 1870 and the 1835 constitutions (though not by the 1796 constitution), the purpose appears to have been to secure additional revenues from persons or corporations enjoying certain advantages under the law (such as

¹*Report of the Comptroller of the Treasury*, 1900, page 16.

²*Senate Journal*, 1927, page 51.

limited liability or public utility franchises). There was also the desire to control certain activities by means of licensing coupled with heavy taxes.

A most bewildering variety of privilege or occupation taxes has appeared under the authorization contained in the constitutions since 1835. They were imposed, like the occupation taxes of most Southern states, on numerous bases, with different rates for different brackets. Generally, the rates varied with the population of the city, town, county or taxing district in which the activity was carried on. The correlation between the rate and "ability to pay" was very remote, or absent altogether. The privilege taxes, which numbered up to one hundred or more during the latter part of the period, 1870-1923, appeared to account for some twenty-five to thirty-five percent of the State revenues. Actually, however, two of these taxes—the tax on merchants, and the tax on liquor dealers—produced upwards of ninety per cent of the privilege-tax revenues, and since these two taxes were in essence only taxes on the stocks of merchandise imposed at rates much heavier than the regular *ad valorem* tax, it may be concluded that general property taxes produced the overwhelming bulk of State revenues during the period. Many of the privilege taxes at this time produced little more than wide-spread irritation, yielding less than \$1,000 each per year in numerous instances.

The expenditures of the State of Tennessee increased gradually after 1883 until 1909, when a very rapid increase appeared and continued for nearly twenty-five years. The increases were due to expansion of general governmental functions, Confederate pensions, charitable, correctional and educational expenditures and, beginning in 1915, heavy disbursements on highways and bridges.

After 1910, and especially after 1915, the State *ad valorem* tax became more and more inadequate to support the expanding functions and costs of government, and this culminated by 1923 in what the author has termed in another study "The Revenue Revolution".³ The inflexible constitution permitted unlimited increases in expenditures and debt, but, as noted, sharply inhibited the use of new revenue sources. Recurring deficits were the inevitable result, and the agonizing wails of the owners of real estate increased steadily in volume as the state, county and municipal taxes pressed more heavily upon them. It was apparent to all not only that more revenues must be supplied, but also that new taxes must be enacted to permit reduction of the general property tax (which had in fact degenerated into hardly more than a real estate tax, due to the failure to assess and tax personalty). Government officials had sought vainly for half a century after 1870 to induce county tax assessors to list

³*Financial History of Tennessee Since 1870*, Chapter VIII.

real estate and personalty at full market value; but since the assessors were locally elected, untrained, inadequately compensated and not subject to adequate supervision by State tax officials, little if any improvement took place in this respect. Tennessee's constitution prevented the legislature from classifying property and taxing the classes at different rates. No authority existed, it was believed, for imposition of a general income tax, although the constitution did permit stocks and bonds which were exempted from *ad valorem* taxation to be taxed on income.

The clause permitting taxation of the income of stocks and bonds not taxed *ad valorem* was included by the constitution-makers of 1870 in the belief that they might thereby secure income from Federal and other bonds which could not be reached by the property taxes. They also hoped to be able to tax the income from railroad stocks and bonds, most of which had been granted immunity in their charters from *ad valorem* taxation.

Since the use of an income tax was specifically authorized by the constitution only to tax stocks and bonds of this character, the State Supreme Court in 1932 held that a general income tax was by implication forbidden.

Thus in the early 1920s the State's expenditures were increasing enormously, the general property tax was breaking down under the multiple burdens imposed upon it, the constitution could not be amended, and the kind of new taxes needed to solve the difficulties apparently could not legally be imposed. It was at this point that the remarkable transformation in the role of the "privilege tax clause" began to take place. From its relative obscurity as a means of "soaking" peddlers, liquor dealers, pool room operators and the owners of shows, carnivals and circuses, it became the legal basis for an entirely new system of State revenues.

What is a "taxable privilege" in Tennessee? The courts had already gradually accepted the right of the legislature to declare any occupation, employment and business a privilege which might then be taxed in such manner as the legislature should wish. In the words of a Supreme Court decision, "as to merchants, peddlers and privileges, the legislature is not to be restricted, but may exercise the taxing power without restrictions, either as to the amount or as to the manner or mode of exercising the privilege."⁴ In a word, a "privilege" was what the legislature chose to dub a "privilege", and such activities might be taxed by any conceivable means.

In 1923, following thirteen years of deficits, increased expenditures, and mounting debt, Austin Peay became governor pledged to a reduction of the State property taxes, an increase in educational and other appropri-

⁴*Burke v. Memphis*, 94 Tennessee (10 Pickle), 692, 305 S.W. 742.

ations, and the construction of a state-wide network of highways without borrowing. To achieve these apparently contradictory and almost impossible goals in the face of a restrictive and unamended constitution, Peay favored both a classified property tax and a general income tax but realized that the constitution certainly forbade the first and probably forbade the second. Consequently, he proposed certain new "privilege taxes" which he felt reasonably sure would be constitutional.

Three new tax laws of importance were passed in 1923. One of these laws declared it to be a taxable privilege to distribute gasoline in the state, and imposed a tax of two cents per gallon on dealers and distributors. This tax was eventually increased to seven cents, and has produced as much as fifty per cent of total State revenues in some years, replacing the State property tax (which was virtually repealed in 1930) as the backbone of the revenue system from 1923-1947.

The second tax law of 1923 declared it to be a taxable privilege to sell tobacco products in the state and proceeded to levy a stamp tax on all such goods. At first the "privilege" was upon the sale of tobacco at retail, but later the "privilege" was shifted to selling or distributing at wholesale in order to prevent tax-evasion.

The third tax law declared it to be a taxable privilege to operate a corporation, cooperative or business trust in Tennessee for profit, and imposed a tax of three per cent of net profits upon this privilege. This privilege or "excise" tax (the latter term being held to be synonymous with a privilege) was increased in 1937 to 3.75 per cent of net profits.

Previous attempts had been made, in the 1870s, to tax railroads' net and gross profits under the authority of the privilege tax clause, and a gross premium tax on insurance companies was an accepted part of the revenue system. Also, beginning in 1891, the receipt of inheritances by collateral heirs was brought under privilege taxation, and eventually the tax was broadened to include direct heirs and gifts.

The Tennessee corporation excise or privilege tax has never been applied, as its name makes obvious, to partnerships, individual enterprisers or other unincorporated firms, and in this respect parallels the Federal corporation excise tax of 1909.

The need for additional revenues in 1937 to support social security and educational expenditures led to further elaboration of the privilege tax clause. Since the constitution "made it impossible to have any scientific tax base for Tennessee," Governor Gordon Browning concluded that "this leaves us the 'privilege tax'."⁸ The Revenue Act of 1937, which was thereupon introduced in the legislature, was prefaced by the following statement:

⁸*Message to Second Extra Session, 1937, Senate Journal, page 601.*

The engaging of any vocation, occupation or business hereinafter named in this Act is hereby declared to be a privilege and the rate of tax on such privilege shall be as hereinafter fixed.

The law then proceeded to list approximately one hundred and fifty activities as privileges requiring the payment of taxes to the County Court Clerks. The rates and bases of this list of taxes were of nearly every conceivable variety, and made lavish use of brackets. The correlation of the rates with ability-to-pay was very remote, or did not exist at all. More perhaps than anything else, this illogical, irritating and inequitable "jungle" of locally-assessed and collected privilege taxes indicated the distorted results produced by the unamended constitution.

In addition to the above, the Revenue Act of 1937 imposed numerous gross receipts taxes at a rate of three per cent on such activities as transportation companies, water works, telephone companies, soft drink manufacturers, and theatres. A two and one-half per cent tax on the gross premiums of insurance companies was continued. All these "privilege" taxes were payable directly to officials in the state capitol.

A beer tax, levied first in 1933, and liquor taxes imposed in 1937 and 1939 were also based upon various "privileges" of manufacturing, distributing and selling. An interesting point was that the law of 1937 permitted Tennessee distillers to manufacture liquor for sale outside of Tennessee while the state continued to be legally "dry" until 1939. This "privilege" of selling Tennessee liquor to non-Tennesseans was accompanied by a heavy tax.

As in most other states, Tennessee's revenues produced a surplus during World War II, and between 1938 and 1946 the State debt was reduced by more than \$53,000,000 or forty per cent. In 1945, however, a Teachers Retirement Act was passed which required increased appropriations. Following the drastic inflation of 1946, teachers began to demand higher wages, and "teachers strikes" developed in several places. In addition, the necessity for large capital outlays on educational and charitable institutions added to the need for increased revenues. These facts led early in 1947 to the last great exploitation of the privilege tax clause to date by the passage of a two per cent sales tax.

The Sales Tax Law of 1947⁶ declared as part of its preamble as follows:

Be it further Enacted, That it is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this act, or who stores for use or consumption in this State any item or articles of tangible personal property as de-

⁶Public Acts of 1947, Chapter 2, Section 3.

fined herein and who leases or rents such property within the State of Tennessee.

At the time of this writing, no Supreme Court decision has been rendered on the constitutionality of this comprehensive use of the privilege tax clause, but little doubt exists that it will be sustained. Estimated originally to produce from \$20,000,000 to \$25,000,000 annually, present indications are that it will yield \$40,000,000 for the fiscal year ending June 30, 1948. It will thereby become by far the largest income-producer of any Tennessee tax, exceeding the yield of the gasoline tax by more than ten millions.

For the fiscal year ending June 30, 1948, taxes imposed under the "privilege tax clause" will probably produce ninety per cent, or more, of the State's revenues. The incontestable observation that "great oaks from little acorns grow" would appear in Tennessee's fiscal history to be matched by the phenomenon that great revenues may from little privilege tax clauses grow. Such has been the result of an unamended constitution with inadequate tax provisions when historical developments produced an inescapable need for more revenues.

The tax system of Tennessee is oppressively regressive. Except for the mild inheritance and gift taxes, nothing with progressive rates exists at all. The corporation excise tax of 3.75 per cent, previously noted, is a tax on corporation net income, but is not graduated. Neither is the income tax on stocks and bonds, though in this case a discrimination in favor of Tennessee corporations appears. Virtually all other taxes are of the sales-type variety, since gross receipts taxes fit into this category. The seven cent gasoline tax is one of the highest in the country, and tobacco taxes are also imposed at high rates. While few state tax systems are models of simplicity and equity, Tennessee's privilege-tax system is apparently nowhere surpassed in its illogicality, inequity and regressivity.

Readers unfamiliar with Tennessee's history may well have wondered why the constitution has not been amended or replaced since 1870. Actually, there have been no insuperable obstacles in the way of revision and reform. The constitution of 1870 *did* contain an amending procedure, although it is exceedingly cumbersome and time-consuming, and numerous attempts to employ it have been unsuccessful. However, the calling of a constitutional convention is no more difficult than in numerous other states of the Union, and ratification of a new constitution by the voters is not required. Most observers of Tennessee affairs have concluded that a combination of political lethargy on the part of the citizens, the lack of a vigorous two-party system, and the opposition of vested interests are the explanation. Unwillingness to abandon the poll tax—which under the present constitution has been declared mandatory as a prerequisite for voting—is an additional explanation.

Whatever the causes, the result has been the maintenance in its original purity of a document which is wholly inadequate to the needs of the state.

Tennessee's revenue system should include a general income tax, a broadened use of inheritance taxation, a classified property tax, and a more complete and equitable system of business taxes. Selected sales taxes on gasoline and tobacco should be reduced. Undue reliance in a poor state upon sales taxes cannot possibly improve social and economic conditions, even if they temporarily preserve the finances of the government and produce additional revenues. If revenues can be derived at all, they can be derived equitably as well as inequitably. In the opinion of the present writer, the taxing clauses of the constitution should be revised simply to read:

The legislature shall impose such taxes, fees and licenses as it deems expedient.

However, since the prospects now seem excellent that the unamended constituent law may survive many more years or decades without formal change, the only hope of an equitable revenue system appears to lie in an even broader construction of the privilege tax clause by the Supreme Court of the state. It would appear logical to conclude that a taxing clause which has been construed to support flat-rate occupational taxes, taxes based upon the size of the county, town or taxing district in which the business is located, taxes on gross income, taxes on net income, taxes on output, taxes based upon the type of vehicle in which one rides to pursue his trade, taxes based upon the sum of admission charged, taxes on inheritances and gifts, taxes on gasoline, liquor, tobacco and oleo-margarine, and taxes on the manufacture, wholesale and retail sale, and on the use of tangible personal property in general—that such a taxing clause might also be made to support a general income tax. It is the opinion of many persons that the Supreme Court decision⁷ which declared such a tax unconstitutional in 1932 was based upon a misinterpretation of historical fact, and that such a "privilege tax" should be again passed and this time sustained.

In 1871, the privilege tax clause could support a tax of "from 50c to \$2.00 on the privilege of keeping every dog, exceeding one for each family of any sex and kind." In 1947, the same clause could be invoked to produce upwards of \$40,000,000 annually by a retail sales tax. Somewhere within the confines of such a broad authority should easily be found room for a sound, sane and equitable revenue system.

⁷*Evans v. McCabe*, 164 *Tennessee* (11 *Smith*), 672, 52 S.W. (2d) 159.

Comparison of the School Progress of Boys and Girls in American Public Schools

MARION B. SMITH

Louisiana State University

Recently a study made by the author on the progress of boys and girls in Louisiana schools revealed that the boys in that state do not succeed so well in school as do the girls. There is a decided "piling up" of boys in the lower grades. Boys enter school at a later age, advance more slowly, are more retarded, and a lower percentage of those of school age attend school, than is characteristic of girls.¹

This study is an analysis of the sex distribution of the school population in an attempt to determine if the conditions found in Louisiana are unique or if they are true for the nation as a whole. The data of the study are secured from the *Sixteenth Census of the United States* 1940 and are computed for the census regions, which are: the Northeastern States, the North Central States, the Southern States, and the Western States. In the study the population is also divided on the basis of the white and non-white races for comparative purposes.

BOYS AND GIRLS OF SCHOOL AGE NOT ATTENDING SCHOOL

The educational pattern characteristic of American culture is that children enter school in the first grade at the age of six years and advance regularly one school grade each year. A boy or girl who for any reason remains out of school until he is seven or eight years of age is in most cases a year or more behind most of the children of his chronological age when he begins his formal education.

Study of the data on the white boys of school age reveals that at the age of six years about one boy out of five in the Northeastern and North Central States, one in four in Western and one in two in the Southern States is not enrolled in school (Table I). At the age of seven years the proportion of white boys who are not attending school is much lower than at age six—about four percent of the boys in all the census regions except the Southern States are not in school, the percentage of non-attendance at that age in the South being 13.2 percent. The school attendance of the nonwhite boys six years of age of the four census regions approximates that of the white boys, except in the Western States where that ratio of nonwhite boys not enrolled in school is more than one in three of those of that age group. At the age of seven years the proportion of

¹"Sex Ratio of the School Population in Louisiana," *Social Forces*, Vol. 25, No. 1, October, 1946.

nonwhite boys not enrolled in school is consistently higher in all the census districts than is true of the white racial group. In the Western States the proportion of nonwhite boys seven years of age not enrolled in school is almost four times as great as that of the white boys.

TABLE I. PERCENTAGE OF POPULATION OF SCHOOL AGE NOT ATTENDING SCHOOL, BY AGE, SEX, RACE, AND REGION

Age	White — Boys				White — Girls			
	North-eastern	South-ern	North Central	West-ern	North-eastern	South-ern	North Central	West-ern
6	18.1	50.1	21.1	26.4	17.0	47.5	19.7	24.9
7	4.1	13.2	3.6	4.6	3.9	12.2	3.4	4.1
8	2.9	8.9	2.7	2.7	2.8	8.4	2.5	2.6
9	2.6	7.8	2.4	2.3	2.4	7.4	2.3	2.2
10	2.4	7.7	2.3	2.1	2.3	7.3	2.2	2.0
11	2.4	7.3	2.4	2.1	2.4	6.9	2.3	2.0
12	2.5	8.1	2.4	2.2	2.5	7.5	2.4	2.1
13	2.7	9.2	2.9	2.5	2.7	8.3	2.9	2.5
14	3.4	12.8	5.4	3.5	3.5	11.7	5.4	3.7
15	5.1	20.2	10.0	6.2	5.8	19.0	9.6	6.6
16	15.7	33.7	20.9	13.0	16.7	31.6	19.4	13.4
17	33.7	48.3	34.3	24.4	35.0	47.2	32.8	25.6
18	59.6	66.0	59.1	49.4	65.0	68.2	63.3	54.1

Age	Nonwhite — Boys				Nonwhite — Girls			
	North-eastern	South-ern	North Central	West-ern	North-eastern	South-ern	North Central	West-ern
6	18.3	46.0	19.4	37.4	16.5	41.8	17.7	35.8
7	4.5	16.5	5.3	18.0	4.4	14.6	5.0	18.8
8	3.2	10.7	3.7	16.0	3.2	9.5	3.7	15.2
9	2.7	8.8	3.1	11.6	2.4	7.8	2.9	12.9
10	3.0	8.6	3.0	12.1	2.6	7.4	3.0	13.8
11	3.1	8.1	3.0	10.9	2.6	7.0	2.8	11.5
12	3.0	9.8	3.3	10.9	3.2	7.8	3.1	11.2
13	3.1	12.3	3.6	11.0	3.0	9.3	3.6	13.5
14	4.0	17.9	4.8	10.4	4.3	13.4	4.9	11.0
15	5.5	28.9	7.8	11.9	7.4	22.8	8.8	13.7
16	16.8	45.9	19.3	17.3	18.2	38.9	22.1	20.6
17	41.1	63.6	40.5	24.4	40.5	57.2	40.2	28.4
18	64.4	78.9	63.6	43.6	67.5	75.2	65.3	52.3

**Sixteenth Census of the United States: 1940: Vol. IV, "Characteristics by Age," Part I: U. S. Summary, Tables 26 and 38, pp. 96, 97, 132, 133, 135, 137.*

In comparing the school enrollment of boys and girls six years of age in the four census regions one notices that a smaller proportion of girls than of boys of both racial groups are not enrolled in school in each of the census regions. The number of white boys six years of age who are out of school is greater than the number of girls by 5.5 percent in the Southern States, 6.0 percent in the Western States, 6.5 percent in the North-

eastern States, and 7.1 percent in the North Central States. In the non-white racial group the relative difference in school enrollment between the girls and the boys six years of age is greater than that observed between the boys and girls of the white race at that age in all census regions with the exception of the Western States. In the West the proportion of nonwhite boys six years of age who are not enrolled in school is 4.5 percent greater than that of the girls of that age and racial group as compared with 6.0 percent greater for the boys of the white race.

Not only do boys tend to be older than girls when they enter school, but the proportion of those not attending school is rather consistently higher in all census regions, for both racial groups and for all ages up to about twelve years of age. The few exceptions to this statement are found in the Western States where from the ages of nine years through eighteen years a larger percentage of nonwhite girls are not attending school than is true of the boys of the same age and racial group. In the Southern States the proportion of boys not attending school is higher for both racial groups and at all age levels except at age eighteen for the white race. One may summarize the school attendance data by saying that boys tend to enter school at a more advanced age and to attend school in relatively smaller numbers than is true of the girls until they reach the age of 12 years or older.

SCHOOL PROGRESS OF BOYS AND GIRLS

If a child follows the expected pattern of school progress, he should, at the age of seven years, have completed the first grade, at the age of eight years the second grade, and so on until at the age of 18 years he should have completed the fourth year of high school. A study of the census data on the school progress of boys and girls of the various census regions reveals that the girls conform to the expected pattern to a greater extent than do the boys (Table II). From the ages of seven through eighteen years the proportion of girls who succeed at the expected rate of grade advancement is consistently and significantly higher than that of the boys of the same age and racial group.

The difference in the rate of school progress of boys and of girls is fairly uniform in the four census regions at the age of seven years. At that age the proportion of girls who have completed the first grade in school is about four percent higher than that of the boys. With increasing age the difference in the rate of school progress of the two sex groups also increases. At the age of fifteen years only slightly more than one-half of the white boys in the Northeastern, the North Central and the Western States have completed the first year of high school; whereas, almost two-thirds of the girls of that age and racial group have attained that educational level. In the Southern States the difference is even great-

er; there about four out of ten white boys fifteen years of age have completed the first year of high school, but more than half of the girls of that age and race have completed that grade. Among the nonwhite boys and

TABLE II. SCHOOL PROGRESS OF CHILDREN ENROLLED IN SCHOOL, BY AGE, GRADE OF SCHOOL COMPLETED, SEX AND CENSUS REGION

Age	Grade Completed	White — Percent Boys				White — Percent Girls			
		North-eastern	South-ern	North Central	West-ern	North-eastern	South-ern	North Central	West-ern
7	1st	85.8	75.4	80.7	76.7	88.4	78.3	83.7	80.2
8	2nd	75.3	57.4	70.1	64.3	80.9	64.1	76.0	70.9
9	3rd	70.2	50.1	65.4	59.2	76.9	58.7	72.9	67.2
10	4th	66.2	44.6	61.5	55.3	73.8	54.0	70.0	63.7
11	5th	63.3	41.1	59.4	54.6	71.5	50.8	68.6	63.9
12	6th	61.0	37.4	57.6	52.9	69.9	47.9	67.5	62.6
13	7th	59.7	35.9	56.4	53.0	68.9	46.9	66.7	62.7
14	8th	58.2	35.3	54.5	53.0	67.4	46.6	65.4	62.7
15	9th	55.4	41.2	52.4	51.0	65.1	53.7	63.7	61.2
16	10th	52.2	41.7	51.1	48.2	62.4	54.4	62.4	59.1
17	11th	53.5	42.3	52.2	49.5	63.5	54.8	63.1	60.7
18	12th	36.0	30.1	33.0	35.8	44.6	41.2	43.2	47.5

Age	Grade Completed	Nonwhite — Percent Boys				Nonwhite — Percent Girls			
		North-eastern	South-ern	North Central	West-ern	North-eastern	South-ern	North Central	West-ern
7	1st	86.5	71.2	79.9	76.1	88.6	73.8	83.1	79.4
8	2nd	74.8	39.8	64.4	58.3	79.2	47.9	71.1	62.9
9	3rd	65.5	28.8	54.2	50.7	72.4	37.4	62.8	58.0
10	4th	58.3	21.6	46.4	45.5	67.9	30.4	58.0	53.1
11	5th	53.0	18.0	41.1	46.4	62.7	26.4	54.1	52.6
12	6th	49.2	14.1	39.1	42.9	60.4	22.1	50.7	52.2
13	7th	45.5	12.7	35.7	44.0	55.7	20.3	48.4	50.7
14	8th	43.2	12.0	35.5	44.3	53.7	19.2	48.4	51.6
15	9th	38.4	13.8	33.1	40.7	50.1	21.9	46.0	48.4
16	10th	31.8	13.0	28.9	36.4	42.2	21.1	41.3	45.0
17	11th	31.1	13.7	27.9	35.0	40.4	21.2	41.1	45.6
18	12th	16.9	10.1	16.5	23.5	23.4	15.8	25.3	32.2

**Sixteenth Census of the United States: 1940*, Vol. IV, "Characteristics by Age," Part I: U. S. Summary, Table 37, pp. 120, 123, 125, 127.

girls the girls at almost all ages show greater success in school than do the boys, and the difference in the rate of school progress of boys and girls is consistently higher for the girls than is true of the white racial group.

At no age, in no census region and in neither of the racial groups do boys progress in school at a rate equal to that of the girls of the same age, region and race.

COMPARISON OF THE RETARDATION IN SCHOOL OF BOYS AND GIRLS

As has been pointed out above, not all boys and girls enter school at the age of six years. Only a small percentage of the boys and girls, however, have not entered school by the time they pass their seventh year. Thus, we may regard a child eight years of age who has not completed the first grade as retarded one grade, and similarly a child ten years of age who has not completed the third grade, a child thirteen years old who is still in or below the sixth grade, one seventeen years of age who has not passed the third year of high school, and other children of corresponding ages and grades. Since the boys do not progress in school at a rate equal to that of the girls we are not surprised to find that the boys tend toward retardation to a greater extent than do the girls of the same age, race and census region (Table III). At all ages from eight through eighteen years, in each of the census regions, and in both racial groups,

TABLE III. RETARDATION IN SCHOOL OF BOYS AND GIRLS BY AGE, RACE, AND CENSUS REGIONS

Age	White — Boys				White — Girls			
	North-eastern	South-ern	North Central	West-ern	North-eastern	South-ern	North Central	West-ern
8	1.9	5.7	2.1	3.6	1.3	4.1	1.3	2.5
9	5.5	15.4	5.7	8.6	3.2	10.5	3.3	5.9
10	8.7	23.2	9.1	12.4	5.1	16.2	5.1	8.6
11	11.7	28.4	11.6	14.4	7.1	19.9	6.7	9.6
12	14.5	34.5	14.2	16.9	8.8	24.2	8.2	11.3
13	16.3	37.4	15.8	17.8	10.1	26.2	9.1	11.6
14	18.2	40.2	17.5	18.6	11.6	28.2	10.2	12.4
15	20.3	41.0	19.4	19.3	13.3	28.3	11.3	12.8
16	20.5	34.8	19.2	20.1	13.4	23.4	11.3	12.8
17	20.3	33.2	18.0	20.1	13.4	22.3	10.9	13.0
18	22.3	35.3	21.4	22.0	15.5	25.0	13.5	14.1

Age	Nonwhite — Boys				Nonwhite — Girls			
	North-eastern	South-ern	North Central	West-ern	North-eastern	South-ern	North Central	West-ern
8	2.6	12.8	4.7	7.1	1.6	10.1	3.5	6.7
9	7.5	36.7	12.4	17.0	4.8	28.6	8.4	13.8
10	13.9	51.2	20.6	23.5	8.3	41.6	13.2	18.1
11	19.4	60.5	28.2	25.4	12.5	48.5	17.9	21.4
12	24.7	68.6	32.8	30.0	15.4	56.3	22.0	24.5
13	28.2	72.2	36.7	30.2	18.3	60.4	25.5	22.7
14	31.7	75.0	39.2	30.5	21.9	63.3	26.5	24.2
15	35.1	76.9	41.4	31.9	24.8	66.1	28.2	23.7
16	38.7	74.0	42.4	33.9	27.8	62.7	29.7	25.1
17	40.8	73.0	44.3	35.7	32.1	62.6	31.9	25.7
18	46.6	73.6	45.3	39.8	36.0	64.3	37.9	29.4

*Sixteenth Census of the United States: 1940, Vol. IV, "Characteristics by Age," Part I: U. S. Summary, Table 37, pp. 120, 123, 125, 127.

the boys are consistently and materially more retarded than are the girls. At the age of fourteen years, the white boys range from 42.6 percent in the Southern to 71.6 percent in the North Central States more retarded in school than is true of the girls. In the actual percentages of retardation more than one white boy fourteen years of age in six as compared with one white girl of the same age in ten, of those attending school, in the North Central States is retarded one or more grades. In the Southern States the rate of retardation of both boys and girls is considerably higher, but the differential between the retardation of the two sexes is not so great for either race as is true in the other census regions. Here four white boys and approximately three white girls out of ten are retarded one or more grades. Among the nonwhite racial group of the Southern States, three-fourths of the boys and about two-thirds of the girls fourteen years of age are below the expected school grade for their age. In the other census regions the retardation of both boys and girls of the nonwhite racial group is much lower than that of the Southern States, but the differential between the sexes in their rate of retardation in school is much higher.

WHY DO GIRLS SUCCEED IN SCHOOL BETTER THAN BOYS?

It is not the primary purpose of this study to analyze the causal factors related to the superiority of girls over boys in our school programs; however a few questions seem pertinent. Why do so many boys enter school at a later age than do the girls? It cannot be because the parents keep the boys home to work while the girls are sent to school. The work of a six-year-old boy would hardly be of more value to his parents than would that of a girl of the same age. Can it be owing to the greater delicacy of boys than of girls? According to the Bureau of the Census reports on vital statistics for 1940, the number of deaths among white boys one to four years of age was 2.9 per 1000 of that group, whereas the number of deaths among the white girls of that age group was 2.5 per 1000.² In other words the mortality of white boys one to four years of age was sixteen percent higher than that of the white girls of the same age and race. Among the nonwhite racial group the mortality rate for both boys and girls was higher than that of the white racial group and the mortality rate of boys is about seventeen percent higher than that of the girls of the same age and race. Among the white boys and girls five to fourteen years of age the death rates are 1.2 and 0.8 per thousand respectively. In this age group the mortality rate of white boys is about fifty percent higher than that of the girls of the same age and race. Among the nonwhite racial group the mortality rates of both boys and girls, five to fourteen years of age, are higher than is true among the white boys and girls

²Halbert L. Dunn, *Vital Statistics of the United States Supplement 1939-1940*, Part III, pp. 52-61, U. S. Government Printing Office, Washington, 1943.

of that age—1.7 and 1.5 for boys and girls respectively—, but the mortality rate of nonwhite boys is not so much greater than that of the nonwhite girls as is characteristic of the white racial group.

Since the mortality rate of boys is higher than that of girls it seems reasonable to suspect that the disability rate of boys is also higher than that of girls. If such is the case, greater disability on the part of boys may be a causal factor related to the fact that a larger proportion of boys six years of age have not entered school than is true of the girls of the same age.

With regard to the failure of boys to succeed in school as well as girls, is that to be explained on the same basis as the late entry into school, *i. e.* greater delicacy on the part of boys and consequently more time lost from school because of disability? More disability on the part of boys may be a factor in the difference in school progress of boys and of girls. At all ages the mortality rate for boys is higher than that of girls. That may well indicate more illness and greater loss of school time by boys than by girls. Also boys of school age are more likely to be disabled by accident than are girls. According to the *Statistical Bulletin* of the Metropolitan Life Insurance Company³ boys five to nine years of age have 60.4 percent higher mortality from accidents than girls of the same age, (36.0 and 16.3 per 100,000 boys and girls respectively) and boys ten to fourteen years of age have accident mortality rates 170.1 percent higher than girls of that age, (34.5 and 8.4 per 100,000 boys and girls respectively). One may very well question if the disabilities from accidents are frequent enough to seriously affect the school progress of either the boys or the girls of the nation considered as a whole.

One may ask, are boys inferior to girls in their mental capacity, and for that reason do not succeed so well in school? With the widely accepted belief in the innate superiority of the male it may seem very strange to some that anyone should seriously raise the question of the possibility that girls are superior to boys in mental ability. Studies on the mental ability of boys and girls of school age are inconclusive and even contradictory.⁴ From the evidence available one does not seem justified in attributing to difference in mental ability the difference in school progress of the boys and the girls of our nation.

Are there innate temperamental differences, or differences which develop from the early childhood of boys and girls in our culture, which make it more difficult for boys to succeed in school as it is usually organized and operated than it is for girls? The fact, mentioned above, that boys have much higher rates of mortality from accidents than have girls

³Vol. 28, No. 5, May, 1947, p. 4.

⁴Paul L. Boynton, *Psychology of Child Development*, Educational Publishers, Inc., Minneapolis, 1938, pp. 70-76.

indicates that boys are, whether by nature or nurture, more active and venturesome. Some of these activities and adventures result in fatal accidents. If there are significant differences in boys and girls with respect to their wish for activity, adventure, and freedom from restraint, is it not possible that the difference may be at least one factor in the greater success of girls in school? Our conventional schools restrain the activity of the children and offer little opportunity for adventure such as may interest a very active boy. Is it not true that in the average school meekness, compliance, tractability, submission to routine are qualities which are valued very highly? If girls are more adaptable and can conform to the conventional pattern of academic subject matter to a greater degree than boys can or do, is it unreasonable to expect that girls will progress in that school more successfully than the boys?

SOCIAL SIGNIFICANCE OF THE DIFFERENCES IN SCHOOL PROGRESS OF BOYS AND GIRLS

Some persons on learning that boys do not succeed in school so well as girls may ask 'what difference does it make?' May it not actually be more important for girls to have more formal education than boys since the women in our society have more influence than the men in transmitting the culture to the future generations? It is undoubtedly true in our urban society that the mother is a more important factor than the father in transmitting the cultural heritage to the children of our families. They spend, on the whole, much more time with their children and probably have a greater influence on the development of the personality, habits, ideals, outlook on life, values and the like of the children than do the fathers. One may well agree that the importance of the education of the girls in our society is of prime significance and cannot be neglected. Our schools are society's instruments for the development of its youth, both boys and girls, into efficient, productive, well-adjusted, contributing members. If this statement of the basic purpose of the school is sound, then it seems that the school program should be such as to promote the development of all the youth, boys and girls, those with great potentialities and those with less capabilities. The school, it seems, should be organized in a manner flexible enough to serve the varying needs of life in our complex society.

In ours, as in practically all societies throughout history, men hold the positions of responsibility and leadership in the professions such as law, medicine, engineering and the ministry. Our laws are made, interpreted and enforced by men. Our military forces are directed and led by men. Our business executives and industrial entrepreneurs as well as agricul-

tural leaders, farmers and craftsmen are largely men rather than women.⁵ The prospective leaders and workers in our society need training in success and yet one feels from the study of the educational census that many boys are trained in our schools for failure rather than for success. Many cannot, or do not, succeed in the institutions established to train them for successful living. In the Southern States sixty percent of the nonwhite boys and almost one-third of the white boys fourteen years of age, who are enrolled in school, are retarded one or more grades. In all the census regions one finds that not fewer than seventeen out of every one hundred boys fourteen years of age have failed to make the expected rate of school progress; they have failed to keep up with those of their chronological age and are retarded one or more grades.

The nation is alarmed at the high rate of delinquency now current. America with the most democratic educational system of any country, in that it attempts to make available to every boy and girl education at all levels supported at public expense, has the world's highest crime rate. Obviously the schools have not prevented delinquency and crime.

Any person who casually studies the statistics of juvenile delinquency in the United States learns that the great majority of our delinquents are boys. The United States Children's Bureau reports indicate that about five boys are brought before the juvenile court for every girl. The juvenile delinquents range in age from nine to seventeen years with the modal ages twelve and fourteen years. They have usually made unsatisfactory progress in school, being retarded one or more grades. They dislike school and often drop out at an early age.⁶

We may well ask what is the relationship between the failure of boys to succeed in school and their high rate of juvenile delinquency? Are the boys innately delinquent and because of their evil nature do not succeed in school? Is it not more realistic to assume that the schools are failing to meet the interests of these boys and because of this failure the schools are not able to direct them along lines which are socially approved? Is it not possible that many boys, frustrated in their legitimate and socially approved activities such as the mastery of the academic subjects of our schools, are induced to find refuge and release in socially disapproved activities in which they can find adventure and excitement and exercise their interests and talents successfully? Is it impossible for the schools to offer activities to these boys in which they can satisfy their desires for new experiences and through which they can develop their interests and talents successfully and thus become constructive, law-abiding citizens?

⁵Marion B. Smith, *Survey of Social Science* (Revised Edition) Houghton Mifflin Company, Boston, 1945, pp. 160-163.

⁶William C. Kvaraceus, *Juvenile Delinquency and the School*, World Book Company, New York, pp. 135-156.

Although all persons must recognize that our schools have not been successful in developing a law-abiding citizenry in our nation, few have been so bold as actually to blame the school for promoting juvenile delinquency. However it is becoming apparent to some educators that the American school "through its continued routine and impersonal treatment of some pupils, becomes an active agent in the genesis of aggressive behavior."⁷

One is led to the conclusion that our schools need to be studied very carefully from the viewpoint of their efficiency in serving the need of the youth of our country. Much educational research has been undertaken, but too often it has emphasized academic performance of pupils, testing and subject matter measurement, efficient school organization and management, school costs, teacher load, class size, and the like. The time seems ripe for thorough study of the social products of our educational system and the possible relationship between our established schools and personal and social maladjustment.

⁷*Ibid*, p. 136.

The American Farm Bureau Federation and Farm Policy: 1933-1945

THEODORE SALOUTOS

University of California at Los Angeles

The American Farm Bureau Federation has become the number one pressure group of the farmers.¹ Extending its influence from the Middle West, its traditional strong-hold, to the South, the Bureau, by 1945, managed to enroll over 986,000 members.² Spearheaded by a leadership that was vigorous, vocal and reactionary, and riding on a rising tide of farm income, it endorsed any program that held out the prospect of parity, be it production control, tariff reform, inflation of the currency, marketing agreements, commodity loans, soil conservation payments, trade pacts, or cheaper credit and transportation facilities.³

Legislative pressure, a by-word in Bureau circles, had gained additional recruits following the waning faith of the national body in the coopera-

¹Stuart Chase, *Government By Pressure* (New York, 1945) pp. 96-98.

²Membership is in terms of the farm family. A.F.B.F., *Calling All Farmers!* (n.p., n.d.), a leaflet.

Membership figures for 1933 to 1944 were broken down as follows:

	National	Middle West	South
1933	163,246		
1934	222,178	142,014	
1935	280,917	178,398	29,750
1936	356,564	207,910	69,933
1937	409,766	219,464	96,231
1938	396,799	205,436	97,120
1939	398,197	208,739	97,141
1940	444,485	230,588	113,031
1941	518,031	248,544	168,474
1942	591,230	293,211	182,351
1943	687,499	342,036	207,587
1944	828,486	408,478	252,628
1945	986,136	480,756	313,215

The figures for the national organization for 1933-1937 were taken from Gladys Baker, *The County Agent* (Chicago, 1933), 25; for 1938-1944, from the Annual Reports, *The A.F.B.F. in 1938*, 14, *Ibid*, 1940, 14; *Ibid*, 1941, 15; *Annual Report A.F.B.F.*, 1943, 15; *Ibid*, 1944, 14. Figures for the Middle West from 1934 to 1938 were taken from *The A.F.B.F.*, 1938, 16; for 1938 to 1943, from *Annual Report A.F.B.F. 1943*, 16, for 1944 from *Ibid*, 1944, p. 14. Figures for the South from 1935-1944 were taken from *Annual Report A.F.B.F. 1944*, 16. Figures for 1945 were taken from *Annual Report, 1945*, p. 12. For a compilation of earlier F.B. memberships, see Ralph Russell, "Membership of the A.F.B.F., 1926-1935," *Rural Sociology*, II, No. 1, March 1937, 29-35.

³American Farm Bureau Federation, *Accomplishments 1919-1944* (n.d., n.p.), a leaflet.

tive formula.⁴ Acceptance by it of the McNary-Haugen program, the temporary, yet politically expedient acquiescence to the Agricultural Marketing Act of 1929, and finally its high-g geared campaign in behalf of the AAA helped make the Bureau a lobbyist of no small dimensions. Experience had taught it that to have something over which to agitate kept up the interest of members, gained new converts, and impressed legislators. Law-makers sounded it out on legislation, directly or remotely affecting agriculture, compromised with it, and even yielded to it completely. "Ed." A. O'Neal, the national president, once boasted that an organization did not have to have a majority of the farmers behind it to get action either from the administration or Congress.⁵

The Bureau, besides perfecting its legislative techniques, benefited from its affiliations with the Extension Service, the sponsor of the county agents.⁶ It cooperated with the agents, officially and otherwise, and as a result increased its membership and business activities.⁷ The Farmers' Union and the Grange, the two big rivals, objected to this alliance because it discriminated against them, while the Bureau benefited from tax money to which their respective members contributed.⁸ The Bureau replied by stating categorically that it was entitled to all such financial support on the grounds that it had supported the Extension Service at a time when most farmers had suspected it of being a Trojan horse.⁹

This tie was greatly responsible for the rapid growth of the Bureau in the South, especially after greater powers had been conferred upon the agents by the AAA. This, plus the appearance of new agencies like the Farm Security Administration, the Soil Conservation Service, and the Rural Electrification Administration, brought about a redoubled determination to champion the Extension Service the position of which was threatened by these new agencies which displayed little disposition to confer upon the Bureau the preferential treatment that it had become

⁴De Witt C. Wing, "Trends in National Farm Organization," *Farmers in a Changing World* (Washington, 1940), pp. 964-65.

⁵*Ibid.*, p. 964. See also, "The Farm Bureau," *Fortune*, June, 1944, for an excellent account of the Farm Bureau in a pressure group setting.

⁶Baker, *The County Agent*, pp. 15-23.

⁷*Fortune*, XXIX, June 1944, p. 158.

⁸*Journal of Proceedings Seventy-Seventh Annual Session National Grange* (Grand Rapids, Mich., 1943), p. 33. The National Farmers Union carried repeated criticisms against the Bureau-Extension Alignment. Typical comments appear in *National Union Farmer* (Denver), Vol. 23, No. 23, June 1, 1945, p. 1; *Ibid.*, Vol. 23, No. 22, May 15, 1945, p. 1.

⁹U.S.D.A., Miscellaneous Publication No. 285, "Federal Legislation, Regulations, and Rulings Affecting Cooperative Extension Work in Agriculture and Home Economics," pp. 20-21. For the Bureau side of the story, see *The Extension Service and the Farm Bureau Movement*, a mimeographed bulletin.

accustomed to receive from the agents.¹⁰ These new agencies drew fire because they confused the farmers, led to duplication of services and extravagance; they were patterned after the Extension Service which had been built up only after years of intensive research, coordinated effort, and practical farm experience. Why, asked the Bureau, not channel the efforts of these agencies through the Extension Service as had been the case with the TVA?¹¹

Parity, the most sacred text in the Bureau scriptures, was nothing more than a modernized version of the farmer campaigns of the twenties to gain "equality for agriculture," "make the tariff for agriculture effective," and to adopt "the equalization fee."¹² The Bureau had nursed these ideas along during the Federal Farm Board era, gave new life to it during the dying days of the Hoover administration, and once it became apparent that the parity concept had better than an even chance to be placed on the statute books, the Bureau backed the AAA to the hilt and performed a thorough job in indoctrinating legislators, farmers, and farm editors in its major tenets. By 1933, the parity enthusiasts were at an advantage.¹³ The Republican program for cooperative marketing and stabilization operations of the Federal Farm Board had failed to stem the tide of depression; economic conditions were destined to become better, regardless of the party in power. Then, too, there was something appealing about parity; it could be reduced to simple, vague platitudes like justice and equality for farmers.

Parity had as its chief objective the restoration of a better balance between agriculture, industry and labor, which was laudable, if the means for attaining it were not.¹⁴ This lack of balance, according to the Bureau, had been brought about because of high protection for industry and the lack of similar protection for agriculture, the perfection of "corporate controls and agreements," "labor monopolies," and other restrictions that enabled labor and industry to stifle competition, and keep wages and industrial prices high. Agricultural prices, on the other hand,

¹⁰H. Fuller, "Who Speaks for the Farmer," *The New Republic*, CVI, Feb. 23 1942; p. 267; refers to the Farm Security Administration as "the poor man's Extension Service."

¹¹See speech by C. E. Brehm, Director of Extension Service of Tennessee, in *Minutes of Twenty-Second Annual Convention of A.F.B.F.*, Baltimore, Md., Dec. 9-12, 1940, p. 13 especially. Mimeographed.

¹²Arthur C. Bunce, *Economic Nationalism and the Farmer* (Ames, 1938), pp. 20-21.

¹³*The American Farm Bureau Federation 1932*, pp. 6-7.

¹⁴Hearing Before the Committee on Agriculture and Forestry, U. S. Senate, Seventy-Seventh Congress, First Session, Pursuant to Senate Res. 177, *A Resolution Relating to a Formula for Determining Parity Prices for Basic Farm Commodities*, May 29, 1941 (Wash., 1941), p. 78-79. Statement of H. R. Tolley, Chief of B.A.E., U.S.D.A.

were low because of the absence of such practices. If labor and industry persisted in such practices, agriculture was entitled to follow suit; but it would have been preferable if these practices were discarded and we returned to a system of free competition. If that were done, the Farm Bureau would cease its demands for federal support to restore the balance.¹⁵

The lack of bargaining power was advanced as another reason for adopting the parity formula. Many seriously questioned that farmers lacked bargaining power, at least on the political front, but Bureau leaders insisted that this had brought about a good share of the disparities. The farmers were out-numbered, comprising but one-fourth of the total population. As producers, they had been on the short end of the bargaining counter for a long time and the indications were that they would continue to be so in the future. "Three out of every four people (were) more interested in cheap food, clothing, shelter, and raw materials than they (were) in the welfare of the one of the four who produce(d) them."¹⁶

Parity was also sought because there was no hope for agriculture benefiting from the advantages of mass production and distribution as did industry. Nor could it hope to organize as readily as labor. Agriculture did not have the remotest chance of being concentrated into massive productive and distributive units like General Motors, United States Steel, or Standard Oil. Farming was destined to remain a small unit, family enterprise, with every member of the family sharing in the duties and responsibilities. As for organizing, farmers were far more difficult to organize than laborers and ever more difficult to keep organized.¹⁷ Distances between farms, the individualism of the farmers, past failures in organization, recurrent depressions and a consequent inability or unwillingness to pay dues, and prohibitive organization expenses, were almost insurmountable barriers.

Parity was of two types: parity prices and parity income. Parity prices, according to the original AAA, were defined as prices that would give producers the same purchasing power for most basic commodities that prices had provided over the pre-war base period of August 1909 to July 1914. These prices were to be based only on the articles the farmers purchased; taxes, interest, and wages did not enter into the original calculations. An amendment in 1935 directed that taxes and interest be included in the computation of prices having a pre-war base period, but

¹⁵A.F.B.F., *Calling All Farmers!* (n.d., n.p.), a leaflet.

¹⁶E. A. O'Neal, *Volunteers Needed! Organized Agriculture Needs You* (Wash., 1937), a leaflet; Minn. F.B.F. *Neighbor Farmer* (n.p., n.d.), a leaflet.

¹⁷A.F.B.F., *Democracy Demands United Action* (n.p., n.d.), a leaflet.

not for those with the post-war base. The 1935 amendment added potatoes to the post-war base column.¹⁸

Parity income was mentioned for the first time in the Soil Conservation and Domestic Allotment Act of 1936, enacted following the invalidation of the first AAA by the United States Supreme Court. This act directed the Secretary of Agriculture "to take into account the purchasing power of the net income of farm people as related to the net income of non-farm people."¹⁹ A Farm Bureau spokesman said that this sought an income that would "provide for the American farm family a corresponding return for time, labor, brains and capital as that afforded in other professions . . ."²⁰ Briefly, what the Bureau had in mind was an income that would be more representative of twenty-five per cent of the total population.²¹

But it was parity prices, not parity income, that became the principal concern. Parity prices were determined by multiplying the average prices farmers received in the base period with the index prices farmers paid over the same period. Wheat, by way of illustration, with 1909-1914 as its base, had an average price of 88.4 cents per bushel. "Taking August 1909 to July 1914 as 100, the index of prices paid by farmers, interest and taxes, was 143 in November 1941; therefore, the parity price of wheat for that period month was 143 per cent of 88.4 cents or 126.4 cents per bushel."²² August 1909 to July 1914 had been selected as the base for most commodities, "because it was a period of stable prices when farmers could, in general, make a fair exchange of things they had to sell for the things they had to buy." This, according to O'Neal, was the most favorable period for over a 150 years.²³

Farm Bureau claims of paternity for parity and the AAA were unfounded. Although it was true that the Bureau had nursed the idea along during the Hoover era, there were others who had been thinking along similar lines; the most ardent advocate during the early thirties was M. L. Wilson. Wilson, a professor of agricultural economics in

¹⁸*Hearings Before a Subcommittee of the Committee on Agriculture and Forestry, U. S. Senate, Seventy-Seventh Congress, First Session Pursuant to S. Res. 117, A Resolution Relating to a Formula for Determining Parity Prices for Basic Farm Commodities, Part 2* (Wash., 1941), p. 304, 308-309.

¹⁹*Ibid.*, 304 and 309.

²⁰A.F.B.F., *Partners in Farm Bureau* (Chicago, n.d.), p. 4, a booklet.

²¹A.F.B.F., *Volunteers Needed! Organized Agriculture Needs You* (Chicago, 1937).

²²*Hearings Before a Subcommittee of the Committee on Agriculture and Forestry, U. S. Senate, Seventy-Seventh Congress, First Session Pursuant to S. Res. 117, A Resolution Relating to a Formula for Determining Parity Prices for Basic Farm Commodities, Part 2* (Wash., 1941), p. 478-79. See U.S.D.A., *Agricultural Statistics 1943* (Wash., 1943), 397-401 for base data, average prices and parity price for various commodities up to 1942.

²³*Ibid.*, 479.

Montana State College, had parity in mind when he launched his crusade in behalf of Domestic Allotment; he, along with a number of other disciples, had gone far in interesting Republican and Democratic leaders alike, big land owners with money tied up in "distressed lands," farm leaders, business executives, insurance magnates, members of boards of trade, publishers and others. Prominent names like those of Bernard Baruch, Owen D. Young, Beardsley Ruml, and others were associated with the idea at one time or another. Roosevelt gave the Wilson plan "a hearty reception" in his speech accepting the Democratic nomination, and later was reported to have borrowed from him five or six points delivered in his Topeka farm relief speech of September 14, 1932. Other pioneers in this "restore-the-balance" concept of farm relief were Hugh Johnson, George N. Peek, William J. Spillman, and Professor John D. Black of Harvard University. Henry Cantwell Wallace, Secretary of Agriculture during the early twenties, was sold on the idea, as was his son, Henry A. Wallace; the main difference between the two Wallaces was that the younger lived to see the old McNary-Haugen apparatus reconditioned and put to work for parity. Young Wallace, with his usual flair for making old ideas appear new, called it "a new concept in the ideal of social justice."²⁴

The most novel feature in the original AAA was that parity was to be sought chiefly by production control methods.²⁵ Once placed on the statute books, the Farm Bureau found good reason for supporting it by fitting it in with demands to eliminate competition, and heralded it as a "stream-lined policy" of producing for a price, as opposed to the "horse and buggy" way of producing for abundance. Production control practices, said the Bureau, were borrowed from industry which for years had accepted the principle of adjusting production to demand. Figures, borrowed in part from a study by Gardiner C. Means, were circulated to show that industry had succeeded in keeping up prices during the depression by curtailing production whereas agriculture, which did not, suffered. In 1932, industrial production had fallen to 59 per cent of 1929, and agriculture to only 94 per cent; industry, however, by production controls had kept prices at 86 per cent of 1929 levels, whereas agricultural prices, without such controls, had fallen 63 per cent. One argument for production controls was that the foreign market had vanished, hence there was no need for producing as in the past.²⁶

²⁴"Bounty," *Fortune*, VII, Feb., 1933, 43-44, 116-119; Russell Lord, *The Agrarian Revival* (N.Y., 1939), 145-150; *The F.U. Herald*, Dec. 21, 1931; Joseph S. Davis, *Wheat and the A.A.A.* (Wash., 1935), p. 38.

²⁵U.S.D.A., *Agricultural Adjustmont, Report of the Administration of the A.A.A.* May, 1933, to Feb., 1934, p. 5.

²⁶A.F.B.F., *Democracy Demands United Action!* (n.d., n.p.), a leaflet; C. V. Gregory, *The Good Old Days* (n.d., n.p.), a booklet, p. 16; A.F.B.F., *What Are*

Production controls represented but one means by which farmers sought parity, yet it was the chief means in the period from 1933 to 1936; other means adopted included commodity loans, soil conservation payments, marketing agreements, and export subsidies wherever they were considered necessary. Farmers, meanwhile, kept up their demands for industrial tariff reductions, inflation of the currency, tax reductions, cheaper farm labor, easier credit facilities, land utilization programs, and the adoption of more efficient means of production.²⁷ Once parity prices were attained, the argument went, the rest would follow: "stable farm tenure, more comfortable farm homes, better schools and churches, and a more interesting community life."²⁸

The Bureau claimed credit for sponsoring the "processing tax" in the AAA, a veritable "equalization fee," but if it could lay claim to this, so could Wilson, Johnson, Peek, and the others. According to one Bureau authority, the processing tax "was essentially the same device as the equalization fee . . ." The chief difference was that in the AAA the point of collecting the processing tax was "more specifically designated." The rate to be levied "was to be determined by the differences between 'fair exchange value' and current farm prices, instead of by the tariff rate or estimated losses or disposal of surpluses; and the proceeds were to be used mainly for rental or benefit payments."²⁹

Parity agitation entered an all time high in 1942 when the federal government launched a vigorous anti-inflation drive.³⁰ First, the administration won the fight to sell feed-wheat at 85 per cent of parity over the protests of O'Neal and Smith, and then began a campaign to drive farm price ceilings back from 110 per cent of parity to full parity. Agrarian resentment had grown because, on the one hand, farm prices had reached their highest levels, whereas production costs, on the other, started to catch up with the early farm price rises. Parity leaders, as a result, renewed their efforts to revise the parity formula, but wound up with a compromise. The administration, as part of its agreement, had ordered the Office of Price Administration to add a sufficient margin to parity calculations to compensate the farmers for the increased labor costs of the previous eighteen months. This really was a substitute measure for the mandatory and drastic provisions of the Pace bill, but the OPA ignored the directive. Shortly, Economic Stabilization Director James F. Byrnes and Leon Henderson, price administrator, announced

You Going To Do About It? (n.d., n.p.), 6-7. See Gardiner C. Means, "Industrial Prices and the Relative Inflexibility," Seventy-Fourth Congress, First Session, *Senate Document*, No. 13, pp. 1-8.

²⁷A.F.B.F., *Democracy Demands United Action!* (n.d., n.p.), a leaflet.

²⁸Gregory, *The Good Old Days*, 16.

²⁹Davis, *Wheat and the A.A.A.*, p. 44.

³⁰*Business Week*, October 3, 1942, 16.

that ceilings for corn and wheat would be fixed at parity, minus benefit and soil conservation payments for those who had complied with AAA programs. These payments had not entered into parity calculations previously; the farmers, in short, had been receiving parity prices plus benefit payments, not a negligible item in view of the fact that in 1941 such payments had made up four per cent of the farm income. Protests immediately broke loose over the proposals, the result being the solidifying of farmer opposition against the administration to a point that had been hitherto unknown. Prentiss Brown of Michigan, one of the Senators who fought to "reduce the farm price ceilings", felt its effects when he was defeated for re-election to the United States Senate in 1942.⁸¹

Farm labor costs also entered prominently into the parity fight for the first time. Farm labor costs comprised a large part of the farmer's production costs, and what labor was available was scarce and of inferior quality. Bureau and "farm bloc" leaders considered the time ripe for a revision of the farm formula to include labor costs. Farm labor costs had been left out of the original parity formulas because farm leaders had insisted that they be omitted. Farm wages were low then; the inclusion of wages in the 1935 calculations, for example, would have pulled down the index of commodities the farmers purchased from 130 to 126, and would have meant lower parity prices. But by 1942, farm wage conditions had changed. Inclusion of wages would have driven up the index from 152 to 157, whereas the inclusion of family labor into parity calculations would have jumped it up to 167.⁸²

Meanwhile, various elements lashed out in full fury against parity. It was assailed because it made mandatory government support of farm prices at high levels, made prices and not production the goal during the emergency, threatened to increase living costs, create demands for higher wages, and bring radical changes in the Little Steel formula. Parity was held responsible for attempting to freeze agriculture to living standards that prevailed thirty years ago, with over-valuing certain less essential items like "rye, wheat, horses and mules", as did the parity prices of June 1942, and with under-valuing more essential items such as meats and fat and oil producing products—the result being an inefficient use of our agricultural resources.⁸³ Parity formulas were arbitrary; the base periods selected, the products included and excluded, made great differences; the computations arranged were frequently due to political

⁸¹"Farm Bloc Gets Its Revenge," *Business Week*, March 6, 1943, 15-18.

⁸²*Business Week*, October 3, 1942, 16. See, also, Committee on Agriculture on House Resolution 1408, 78th Congress, 1st Session, Report No. 100, Inclusion of Farm Wages in Determining Parity Prices of Agricultural Commodities (Wash., 1943).

⁸³Schultz, *Redirecting Farm Policy*, 15-17; National City Bank, *Economic Conditions*, April, 1943, 39.

horse-trading rather than to pure mathematical calculations; they did not take technological changes into account, were based on broad general terms that appeared monthly, and except for dairy products and milk, they failed to consider seasonal variations or make allowances for different grades and marketing differentials.³⁴

Various proposals were forthcoming for revising the parity formula. One proposal called for the use of the ten year period, 1919 to 1929, as the base period for farm products, and the Bureau of Labor Statistics index of wholesale prices, 1926 equalling 100, in place of the index currently used. A second proposal asked for the use of a hybrid index, the hourly wages of labor and the prices the farmers paid to be weighted 50 per cent each. A third proposal asked that parity prices be tied to the price of silver, and a fourth that they be hitched to a few selected items in the Sears-Roebuck catalogue. O'Neal said that all four were unacceptable to the Bureau: the first because it would mean lower parity prices for corn, hogs, and beef cattle, and also would invalidate special Congressional legislation which gave flue-cured and Burley tobacco a more equitable base; the second, because it allegedly got away from the "fair-exchange" principle; and the last two because they were "too laughable to merit serious comment."

O'Neal denied all the charges made against parity. He said that it was impossible to freeze farmers to a standard of living that prevailed thirty years ago, because parity was a "price ratio" and not "an income index." Living standards were determined by the quantity of products that were sold and the prices they brought. Furthermore, parity was preferable to any "cost-of-production" proposals advanced, because it represented the "equity-of-exchange" idea that had more to offer farmers than did the lower cost of production figures of the United States Department of Agriculture. O'Neal conceded that the base period 1909 to 1914 had flaws, but felt it still preferable to any other base because there never was a time when the price the farmers paid and received were in complete balance; this came the closest. He also "compared parity prices to a can tied to a dog's tail—the dog being the other prices." Wherever the dog went the can followed, "maintaining the same relative position all the while." If the "other prices" went up, parity prices followed suit; if the "other prices" came down, parity prices also came down.³⁵

The original AAA, besides seeking parity prices, had an inflationary provision comparable to Farm Bureau demands and countless proposals

³⁴*Business Week*, October 3, 1942, 16.

³⁵*Hearings, 77th Congress, First Session, Pursuant to S. Res. 117, Formula for Determining Parity Prices*, 479-483.

emanating from other sources.³⁶ By mid-April 1933, there had been introduced in Congress "40 or more money bills" seeking to raise prices by cheapening money in terms of goods. Of the inflationary proposals, the old Populist demand for the free and unlimited coinage of silver was the most popular, there pending at the time sixteen bills for the purchase of silver, the issuance of silver certificates, or bi-metallism, at the ratio of 16 to 1. Of these, the government gave serious consideration to two: devaluing the dollar and launching a large public works program.³⁷

The Farm Bureau, like the Populists, saw a relationship between prices, debts, and government controls. Back in 1921 the Bureau had agitated for a dollar with a constant purchasing power; it renewed this demand in 1927 and again in 1929, and finally in 1931 appointed a Committee on the Stabilization of the Unit of Value, to work out a program for stabilizing the dollar. Among its members were Professor John R. Commons of the University of Wisconsin, and Henry A. Wallace.³⁸

This committee revived Populist arguments to the effect that the rapid expansion of commerce and trade had required the issuance of more money by the federal government, and that faith in the government rather than gold backing gave money its value. The inadequate issues of government notes had been offset by the use of checks with which fully ninety per cent of the business of the nation was conducted; this had made it possible for banks to "lend up to something like ten times their actual reserves." And as for gold backing, there simply was not enough gold to back up all money. Briefly, government paper issues plus bank deposits subject to checks had created "a great monetary pyramid" dependent on government confidence instead of a gold base for value.³⁹

The role the farmers performed as consumers had grown as commercial agriculture had expanded, and they soon discovered that the only thing that the dollar purchased with any degree of certainty was 23.22 grains of gold; but gold, in itself, hardly satisfied their needs.

What the dollar purchased in terms of farm commodities was a far different matter. Back in 1919, for instance, a dollar purchased a half bushel of wheat, in 1929, a whole bushel, and in 1931, three bushels. In 1931, in other words, a dollar purchased six times as much wheat as it did in 1919. This failed to make sense to the farmer. A farmer who

³⁶See *The Farm Bureau and Farm Recovery* (Chicago, n.d.), a booklet; also *Honest Money* (Chicago, 1932); *The A.F.B.F.*, 1933, p. 10; (*N. Y. Times*, Nov. 17, 1932).

³⁷*United States Daily*, April 8 to 15, 1933; see "Doing Something for Silver," James D. Paris, *Monetary Policies of the United States 1932-1938* (N.Y., 1938), pp. 42-80.

³⁸*Honest Money*, 34.

³⁹*Ibid.*, 6.

sold in terms of bushels always knew that a full bushel held four pecks; but he could not understand why the amount of goods he purchased with that bushel had always fluctuated. Why should not the dollar be as steady in its purchasing value as the bushel was in its physical quantities. To his way of thinking, somebody was getting something he had no business getting.⁴⁰

The Bureau hardly accepted the law of supply and demand as a satisfactory explanation for the drastic drops in average price levels, especially when they occurred within short intervals. Changes in the volume of production were gradual, except in times of war, but this was not the case with respect to the volume of money and the amount of bank credit on hand. In the closing days of the Hoover administration Bureau spokesmen said that wage increases, high tariffs, and price-fixing agreements worked against a "fair-price" relationship for farmers, but they were of minor importance "compared to the money factor." During the early days of the New Deal, O'Neal himself was quoted as saying that inflation was the greatest need of the farmer. Arbitrary fluctuations in price levels could be avoided by adjusting the volume of money and credit to the volume of business, instead of trying to "fit the volume of business to an arbitrary volume of money."⁴¹

The Bureau hoped to rectify past inequalities and also to prevent their reoccurrence by first restoring the wholesale commodity level to a point somewhere near that at the beginning of the deflation of the early twenties and then stabilizing it at that point. For farmers to pay in 1932 debts incurred during the twenties was out of the question, unless prices received were raised by thirty or forty per cent. Past experiences had showed that farm prices rose faster than did prices of other commodities, hence by the adoption of inflationary measures the farmers would be in a position to reverse the deflationary trend that had been set in effect. The Federal Reserve System, it was felt, was in a position to start prices upward by purchasing government bonds in the open market and adopting a liberal rediscounting policy. Other inflationary suggestions included: devaluing the dollar; the issuance of two or three billion dollars and placing it in the hands of consumers; and restoring the free and unlimited coinage of silver on a definite ratio with gold, but only after international agreements had been reached.⁴²

Farm mortgage relief was another provision of the AAA, and likewise a demand of the Farm Bureau and other farm organizations that had been agitating for mortgage relief and more liberal credit facilities. Farmers, the argument went, were entitled to credit facilities that were

⁴⁰*Ibid*, 7.

⁴¹*Ibid*, 10-11.

⁴²*Ibid*, 14-15.

as liberal as those available to other economic groups. The adequacy of rural credits was something that could be determined only in times of stress when ordinary credits were "tight." The failure of the Federal Reserve System to meet the rural needs was attributed to a faulty administering of the law; but a farmer representative on the Federal Reserve Board, it was felt, would relieve the situation because such representation would lead to a better appreciation of the needs of agriculture, aid in stabilizing the purchasing power of the dollar, work for an increase in the circulating medium when the seasonal demands required it, and lead to the adoption of a liberal rediscounting policy as a means for obtaining higher farm prices and liquidating farm debts.⁴³

Satisfaction was expressed over the enactment of the Farm Mortgage and Farm Credit Acts of 1933: in fact, they were supposed to have contained substantially, but not entirely, the demands the Bureau had been making for years. They provided "lower interest rates, easier annual payments, more humane treatment of delinquents, emergency loans to distressed farmers, recognition of cooperative purchasing organizations, . . . production credit loans" and aid for cooperative marketing associations authorized by The Capper-Volstead Act of 1922 and the Agricultural Marketing Act of 1929.⁴⁴

Approval likewise was expressed over the merging of federal rural credit agencies, the extension of the farm credit system, the "associational feature of the land bank system," and the strengthening of the federal land bank system. Continuation of emergency financing was recommended as was the expansion of the law "to include the purchase of farms by qualified young men and tenants, the building and repairing of farm structures, and the financing of other farming operations which (could) not be financed either through land mortgage or production credit channels." "Facility credit" was asked for cooperatives distributing "essential farm supplies," and for the Farm Credit Administration to provide rural electrification. Lower interest demands naturally were forthcoming. The "debt" conciliation work of the State Adjustment Committee was considered "a fair and equitable means of effecting adjustment . . ." When it came to protecting farmers against foreclosure, federal protection was preferred to that of the states. Parity prices, relief from heavy property taxes and a "uniform and less costly system of recording mortgage(s)" were considered as still other means for bettering the credit position of the farmers.⁴⁵

⁴³*The A.F.B.F. Weekly News Letter*, IX, No. 50, Dec. 16, 1930, 2; *Ibid*, X, No. 49, Dec. 10, 1931, 3.

⁴⁴*The A.F.B.F.*, 1933, 10.

⁴⁵*The A.F.B.F. Weekly News Letter*, XIII, No. 24, Dec. 18, 1934, 2. See, also, *Ibid*, XIV, No. 28 and 29, Dec. 10-24, 1935; XV, No. 25, Dec. 22, 1936, 3; XVI, No. 26, Dec. 21, 1937, 3; XVII, No. 26, Dec. 20, 1938, p. 3.

By the early forties, the Bureau had begun its opposition to the national administration; among other things it assailed federal control of credit.⁴⁶ Plans for reorganizing the Farm Credit Administration then were described as efforts "to take this system away from the farmers," "destroy its cooperative features and centralize its controls in Washington."⁴⁷ Similarly, the Bureau had started drawing distinctions between government and cooperative aid, government capital and cooperative capital. Government aid was considered as helpful in developing cooperatives, but in the end cooperative capital was preferred to government capital. Cooperative ownership and control, not government ownership and control, was the desired goal.⁴⁸ The distinctions were sound, yet one cannot help but feel that the differentiations drawn were more the result of expediency than of a sincere belief in them.

In 1944, Bureau criticisms became more pointed and recommendations were made for the future administering of the Farm Credit Administration. It was asked that all direct government lending agencies, except the Federal Farm Mortgage Corporation, be administered in accordance with policies laid down by Congress and be placed under the supervision of a bi-partisan board. One of the most insistent demands was that loans be discontinued to those who had failed to qualify "through a permanent cooperative unit of the farm credit system or through private credit sources." As a further check against disqualified borrowers, it was similarly suggested that loans to be had under the Bankhead-Jones Tenant Act and the rehabilitation and production loans supplied by the Emergency Crop and Feed Loan Division and the Farm Security Administration be transferred to Congressional control and also be placed under the supervision of a bi-partisan committee.⁴⁹

The few kind words the Bureau had to say about organized labor were representative of the views of the average American farmer. Its line of reason took a familiar pattern. Wage and hour demands were unreasonable; they increased farm labor costs, sent industrial wages skyrocketing, and made it difficult for farmers to get competent help. Placing a floor under wages and a ceiling on hours was denounced as class legislation. Equally exasperating were drives to unionize employees of farm cooperatives and processing plants that handled farm products. Labor stoppages at critical periods might well have meant irreparable damages for farmers specializing in perishable commodities.⁵⁰

⁴⁶*Resolutions Adopted at 22nd A.F.B.F. Convention*, Dec. 12, 1940, 10.

⁴⁷*Resolutions Adopted at 24th Annual Convention of the A.F.B.F.*, Dec. 10, 1942, 10.

⁴⁸*Resolutions Adopted at 25th Annual Convention of the A.F.B.F.*, Dec. 9, 1943, 7.

⁴⁹*Resolutions Adopted at 26th Annual Convention of the A.F.B.F.*, Dec. 14, 1944, 11-12.

⁵⁰*Resolutions Adopted at 24th Annual Convention of the A.F.B.F.*, Dec. 10, 1942, see resolutions 10, 11 and 12, p. 9-10.

Earlier opposition to labor was hardly as violent as that of the late thirties and early forties. A dispute arose during the first year of NRA, over the handling of dairy products; certain administrative forces favored placing them under NRA controls, but the Bureau insisted that they be placed under AAA surveillance. Farm labor became an issue from the beginning of the New Deal, and the feeling gradually developed that heavy burdens had been placed on rural communities despite earlier assurances that the NRA and AAA programs were to be coordinated. One complaint was that industrial codes drawn up under NRA had had the effect of increasing farm production costs before farm prices themselves had risen. In some cases increases in farm labor costs had exceeded increases in farm prices.⁵¹

The price-fixing features of the NRA were denounced as undesirable and with being in direct violation of the federal anti-trust laws; but the efforts to eliminate sweat shop conditions, child labor, and unfair trade practices, and institute collective bargaining were acceptable. Equality was asked for farm cooperatives in writing and administering their codes. The administration of the NRA, it was felt, had catered too much to special groups and the feeling was that it had better adopt a "semi-judicial" attitude if it was going to respect the public interest. Outright opposition was expressed to further attempts to limit the work week, shorten the work day, and diminish industrial production beyond that already in operation, especially in agriculture and the processing of farm products.⁵²

Collective bargaining was fundamentally sound, according to the Farm Bureau, if it considered the general interest, but wage and hour demands hardly did that; they forced increases in the prices paid by consumers, and made impossible a "proper balance between . . . industrial prices, and farm prices." Further legislation along similar lines would only widen the disparities.⁵³

In 1934 vigorous resolutions were adopted assailing New Deal unemployment relief policies as "communistic," "socialistic," "a dole," and with encouraging idleness and indifference to emergency employment at low wages. Bureau representatives suggested as a proper slogan:

"All who work eat.

"All who are unable to work eat.

"All unemployed who refuse to work at comparatively reasonable wages on emergency profits provided by government—don't eat."

N. Y. Times, August 11, 1934. See report to Accompany H. R. 1408, 78th Congress, 1st Session, Report No. 100, Inclusion of Farm Wages in Determining Parity Price of Agricultural Commodities, p. 14-15, for a typical farmer reaction to labor demands.

⁵¹*The A.F.B.F.*, 1933, 5; *Des Moines Tribune*, Jan. 17, 1935. The A.F.B.F. asked for the abandonment of N.R.A.

⁵²*A.F.B.F. Official News Letter*, XIII, No. 24, Dec. 18, 1934, 4; *N. Y. Times*, Jan. 10, 1934; *The A.F.B.F.*, 1934, 12-13.

⁵³*A.F.B.F. Official News Letters*, XVI, No. 26, Dec. 21, 1937, p. 3.

Fault was found with the National Labor Relations Act. Peculiarities in agriculture made necessary exemptions for the industry. Time was of the essence and farm labor requirements varied. A redefinition of farm labor in the Act, providing for a complete exemption of farm labor all along the line, was in order. Such a redefinition was expected to take into account the work performed by the farmer and his farm hands, as well as the work performed incidental to actual farm operations, including the necessary packing, preparing, and transporting to market, regardless of whether or not the work was performed by the farmer himself or employees of farm cooperatives.⁵⁴

Opposition, naturally, was directed against the extension of the social security principle to farm workers, on the grounds that that meant additional burdens which the farmers were in no position to carry. Parity price levels had to be reached before the farmers could begin to think of social security legislation for agricultural labor, hence all that was to be recommended was further investigation of the proposal.⁵⁵

Bureau opposition to labor assumed still another form in the campaign waged against consumer subsidies. The Bureau had been a tireless campaigner for subsidies for agriculture, but for labor and consumers to demand the same was wrong in principle. Consumer subsidies were planned for keeping the retail prices of some food products below established ceilings. Parity prices represented a left-handed way of paying subsidies to the farmer, but the Bureau labelled them as fair for producers and consumers alike. This reasoning was difficult to follow. It argued that subsidies to farmers were practical, sound, statesmanlike, and represented equality of treatment; but the payment of subsidies to consumers was unsound, inflationary, and class legislation. Wages, the argument went, were higher in relation to food costs; consumers were fully prepared to pay fair prices, hence unwarranted experiments in the form of food subsidies had to stop immediately, and a more realistic policy had to be substituted in its stead that would fix prices that would be fair to farm producers.⁵⁶

Bureau opposition became violent as time elapsed. Extreme bitterness was displayed in attacking abuses, such as the "closed shop . . . , jurisdictional strikes, racketeering practices . . . , hot cargoes, secondary boycotts, slow downs and other interferences . . . , use of threats, violence and coercion, and collusion of labor leaders with other groups to acquire monopolistic controls over prices and production . . . " It

⁵⁴*Ibid*, XVI, No. 26, Dec. 21, 1937, p. 3.

⁵⁵*The A.F.B.F.*, 1938, p. 6; *Resolutions Adopted at 22nd A.F.B.F. Convention*, Dec. 12, 1940, 12.

⁵⁶*Resolutions Adopted at 24th Annual Convention of the A.F.B.F.*, Dec. 10, 1942, 7-8.

pleaded with the public to understand that labor laws applicable to industry were not applicable to agriculture.⁵⁷

The government was held responsible for this seeming irresponsibility of labor; it had encouraged "pressures, threats, and force," and thereby helped pervert the entire labor movement. Unionization had been forced on employees; they were frozen to their jobs, and the union movement was nothing more than a club being used on labor, itself, and the general public; the labor movement had degenerated into a struggle for political power and dues.⁵⁸ Needless to say, the same thing had been said of the Bureau.

Taxation was still another issue. In 1933, the Bureau reaffirmed its demands of earlier years by objecting to general sales taxes, the proposed federal gas tax, bank check and excise tax levies, and the efforts that were made to tax cooperative associations. It asked for a decrease in the number of exemptions and deductions in the tax schedules, and demanded the taxing of incomes derived chiefly from tax exempt securities. The Bureau position, in brief, was that tax revenues should be derived from incomes, corporations, inheritances, and gifts.⁵⁹

Any discussion of taxes and farm relief in early AAA days inevitably brought the processing tax to the front. The Bureau, naturally, was for it, but on the rather specious grounds of its not being a "subsidy or dole" from the federal treasury and its allegedly operating like a protective tariff with the benefits going directly to the farmers. It was granted that the processing taxes from 1934 and 1935 were large, but reductions were expected; farm prices were due to rise to parity levels, vast acreages of marginal and submarginal lands were going to be taken out of cultivation, hence smaller sums of money were going to be needed to pay cooperating farmers for reducing their production. A redefinition of the processing tax, however, was asked for so that farmers selling "dressed hogs" would not be classified as processors.⁶⁰

The taxing and revenue raising program of the New Deal met with approval. The Revenue Act of 1934 was warmly received because it was based on "the ability to pay" principle, had increased rates on corporations, estates, excess profits, and also had plugged up numerous leaks in deductions and exemptions. The three cents per pound excise tax "on certain imported oils and fats" was described as "the first effective tariff on fats and oils" within the recent years; graduated income taxes were approved, as were state sales taxes, especially if they lessened "the general

⁵⁷*Ibid*, Dec. 10, 1942, 9.

⁵⁸*Resolutions Adopted at 25th Annual Convention of the A.F.B.F.*, Dec. 9, 1943, p. 8-9.

⁵⁹*The A.F.F.B.*, 1933, 11.

⁶⁰*The A.F.B.F.*, 1934, 13-14; O'Neal pronounced "the processing tax" as "agriculture's tariff." *New York Times*, July 23, 1935.

property tax burden." A federal sales tax was considered "a super-tax over and above other taxes," and levies on motor vehicles and their accessories as nuisance and special taxes. Protests were registered against the use of gas tax receipts for purposes other than highway building.⁶¹

Use of the federal credit "to its full limit" was approved as a depression lifting device, but a return to a balanced budget was expected when the depression lifted. Once that balance had been reached, the federal tax program was to keep operating until the national debt had been reduced.⁶² Need was likewise expressed for "a correlated tax system between the state and federal governments."⁶³

When war broke out in 1939, the Bureau again endorsed the federal taxing power as a means for financing the defense program. High corporate and personal tax levies, as opposed to excise and consumption levies were considered as the principal sources for the needed revenues. Increased excess profits taxes were highly recommended.⁶⁴

The federal taxing power was also advised as means for curbing inflationary dangers; it could be employed to withdraw excess purchasing power, and directed in a fashion that would encourage people to invest in government bonds. Apprehensions were voiced that unless something was done to check the "inflationary spiral," land values would soar to exorbitant heights as they did during and after the last war.⁶⁵ The federal taxing power was also seen as a means for aiding the nation to reconvert to a peacetime economy, but only if it was conducted in a fashion that showed respect for the system of private enterprise, was coordinated with other phases of our national economy, and was not employed as an agency for social reform.⁶⁶

The Bureau believed that private enterprise would be able to provide for full employment once the war was over, hence asked for the unshackling of industry from heavy tax burdens once peace had been achieved. Repeal of the excess profits tax program was asked, with liberal exemptions to be provided for corporations that distributed part of their earnings to their employees. Corporate earnings retained by the corporations, however, were to be taxed at the rate used in the first bracket of personal income tax. The rate to be employed was to be used in a fashion that would encourage rather than compel the distribution of earnings. The utmost safeguards should be taken against tax evasions.

The Bureau was definitely pro-employer and anti-labor in social se-

⁶¹*The A.F.B.F.*, 1934, p. 14.

⁶²*The A.F.B.F.*, *Official News Letter*, XIV, No. 28 and 29, Dec. 10 and 24, 1935, 3.

⁶³*Ibid*, XVI, No. 26, Dec. 21, 1937, 3.

⁶⁴*Resolutions Adopted at 22nd A.F.B.F. Convention*, Dec. 12, 1940, 10.

⁶⁵*Resolutions Adopted at 22nd A.F.B.F. Convention*, Dec. 9, 1943, 7-8.

⁶⁶*Resolutions Adopted at 26th Annual Convention of the A.F.B.F.*, Dec. 14, 1944, 8-9.

curity taxation and in the taxation of government properties. It urged strongly that property acquired and used by the federal government in competition with private enterprise be taxed by other government units. Repeal was asked of the system of federal payroll taxes for unemployment benefits and the substitution for it of a system whereby the states would be permitted to finance their own programs. Taxes levied for such purposes were to be shared by "employer and employees alike."⁸⁷

Another concern was "a new long-time national land policy" consistent with Bureau ideas for restricting production and conserving the soil. Extension of the quantity of land under cultivation had to cease, submarginal lands had to be retired, and a program set in operation to preserve for future generations as much of the land as possible. The Bureau came forward with such a program in 1934; the administration of it was to be entrusted to the United States Department of Agriculture, but the maintenance and supervision of the land was to be placed in the control of the land grant colleges and the Extension Service. Land withdrawn from cultivation was to be used for forest rehabilitation, public parks and playgrounds, water-shed protection, irrigation purposes, grazing, bird refuges, game preserves, and erosion control. Taking these lands out of cultivation was expected to bring great drops in local and state revenues. To offset the anticipated shrinkages, the Bureau proposed that the federal government take over the payment of these taxes, or make other compensation to the communities affected.⁸⁸

The federal and state governments were asked to cooperate in preventing new lands from coming into cultivation by providing for the licensing of realtors and in discouraging "back-to-the-land" movements. The low farm prices of the thirties did not warrant any expansion in production, and it was wrong to look upon farming as a place of refuge for unemployed city people. Such programs would inevitably lead to increases in rural taxation which already were too high for the average farmer to bear.

Subsistence projects were opposed unless they were "an extension of an industrial project" already under way, or unless there were evidences of industrial support. Subsistence homesteads were also recommended if they promised to better the position of those already on the land, but were opposed if they appeared likely, because of grants or subsidies, to increase competition for those already on the land.⁸⁹

Attention was also called to the federal government's acquiring large strips of land and the problems created for "rural, urban, and state units of government . . ." owing to the exemption of federally acquired lands

⁸⁷*Ibid*, p. 9.

⁸⁸*The A.F.B.F. Official News Letter*, XI, No. 42, Dec. 13, 1932, 3; *Ibid*, XIII, No. 24, Dec. 18, 1934, 3.

⁸⁹*The A.F.B.F. Official News Letter*, XIII, No. 24, Dec. 18, 1934, 3.

from taxation. Loss of such revenues had impaired necessary public works in many communities, especially in western states where the federal administration of "water-shed, forest, mineral, and other resources in the public domain" had withheld them from economic use and development. The successful prosecution of the war, no doubt, was responsible for many of these government acquisitions, yet the feeling was that the purchase of properties needed for short periods should be avoided and that properties acquired by the federal government under such circumstances should "be returned to private owners and local tax rolls at the earliest possible time."⁷⁰

The Bureau lost little time in singling out the Farm Security Administration for attack because it had encouraged production among "low-and-medium income" farmers, and subsidized people who had been failures as farmers. Opposition to the Farm Security Administration was bitterest in the South because of the preponderance there of rural slum areas and low income groups; yet distress of this type was common in the "cut-over area" of the Great Lakes, the Great Plains region, and the Ozarks. The Bureau reasoned that such programs would make it difficult for agriculture to trim production to peacetime demands. The Farm Security Administration was operating on a program of abundance at a time when the Bureau was bent upon a program of scarcity.

There were other reasons as well for opposition. The FSA program meant bettering the status of the Negro in the South, the aggravation of relations between blacks and whites, greater labor shortages, an increase in federal authority, the spread of collectivism, the sponsoring of cooperatives that would compete with those of the Bureau, competition for the Extension Service, and an "invasion of personal liberties."⁷¹

Lower transportation rates interested the Bureau. In its earlier years it had asked voluntary adjustments on the part of the carriers, hoping that would bring about a better balance between freight costs and agricultural prices. Railroad consolidation was approved, especially if reduced operating expenses for the roads would result in lower freight bills. Protests were raised against tariffs that permitted lower rail rates "from the seaboard inland" on imported products.⁷²

⁷⁰*Resolutions Adopted at 25th Annual Convention of the A.F.B.F.*, Dec. 9, 1943, 9.

⁷¹*Land Policy Review*, Jan. 1942, 3; U.S.D.A., F.S.A., Program and Reports Division, Release Number 1, 1942 Family Progress Report, Revised May 15, 1943, *The F.S.A. Goes To War* (Cincinnati, 1943), 2; Helen Fuller, *The New Republic*, Vol. 106, Feb. 23, 1943, 267; Michael Straight, "The Fight For Food," *The New Republic*, Vol. 108, No. 5, Feb. 1, 1943, 138-140. For a general treatment of the Farm Security Administration, see U.S.D.A., *Toward Farm Security* (Wash., 1941).

⁷²A.F.B.F., *Accomplishments 1919-1944*, for a list of claims advanced by the Bureau in behalf of lower transportation rates. See, also, *The A.F.B.F. Weekly News Letter*, IX, No. 50, Dec. 16, 1930, 2-3; *Ibid*, X, No. 49, Dec. 10, 1931, 3.

Motor transportation also came in for attention. It was felt that it was wrong to place "motor-vehicles" transportation on a non-competitive basis. Automobiles and trucks were necessities, hardly luxuries, hence prohibitive limitations on them discriminated against the farmers. Railroads, it was felt, should be permitted to join in on this new competition. An amendment was asked for the Motor Carrier Act of 1935 to remove its "rate-making features." Penalties were asked for states that diverted gasoline tax funds for purposes other than for highway building, maintenance, and the payment of outstanding highway obligations. Completion was asked for the St. Lawrence Waterway, the Lakes-to-the-Gulf Waterway of the Northwest, and other waterway projects deemed practicable by the United States Army Engineers. These projects were expected to bring about lower freight bills and equalize transportation advantages for all parts of the country.⁷³

The Bureau, unlike the Grangers and the Populists, did not believe in stringent regulation of the railroads. Private ownership and operation was preferable to public ownership and operation. Relaxed controls were sought "to permit improvement of services and a reasonable return on prudent investment"; still reasonable rates and adequate service for the public was always to be kept in mind. An efficient and orderly development of the railroads was the object. Railroads were to be permitted a reasonable degree of freedom in fixing rates, economizing, consolidating, and improving their services. Free competition was the guiding principle, whether it was motor, railroad, or commercial air transportation. Government controls were to be kept at a minimum.⁷⁴

Reciprocal trade treaties came in for attention periodically. In 1934, O'Neal saw in such trade pacts a means for expanding the foreign market, and in 1938 urged that the United States negotiate such a pact with England if it meant new markets for American products, led to reductions in "excessive industrial tariffs," and did not result in driving prices below parity.⁷⁵ Allan Kline of the Iowa Federation believed that a gradual reduction of tariffs would be an asset to the nation if the reductions came orderly and were well administered. In 1940 the Iowa Federation went on record as saying that the benefits brought by the pacts would far outweigh the disadvantages. The Nebraska Federation took an opposite stand. It objected to them, especially if they brought benefits to industrial products at the expense of farm commodities. Briefly, the anti-reciprocity stand was one of excluding all competitive farm products, preserving all American markets for the American farmer, and gaining as

⁷³*Ibid*, XI, No. 42, Dec. 13, 1932, 2.

⁷⁴*Ibid*, XVII, No. 26, Dec. 20, 1938, 3-4; *Resolutions Adopted at 25th Annual Convention of the A.F.B.F.*, Dec. 9, 1943, p. 6.

⁷⁵*New York Times*, Nov. 23, 1934; *Ibid*, Mar. 16 and 21, 1938.

much of the foreign market for the farmer as the American market could capture for him.⁷⁰

In summary, the Bureau program, nationalistic and opportunistic as it was, at all times had parity prices for its objective. The acceptance of the latter by the national government was coincident with the demands of other groups rather than the direct result of Bureau agitation. The Bureau enthusiastically endorsed the New Deal farm program, but it soon turned its forces, "farm bloc" and all, against the administration because the latter committed a sin against parity. This prompted the Bureau to support the legislative as against the executive branch of the government. The subsidy, be it parity prices, commodity loans, benefit or soil conservation payments, formed the basis for its demands. The evidence however, is that its parity demand was adopted only after others had popularized it.

In this discussion major attention has been centered on the actions and pronouncements of the national Farm Bureau leadership.

This does not imply that the state, county and local farm bureaus were not active, but the prevailing thought was that the solution of the federal farm program depended on federal legislative action; hence the state and local bodies, insofar as the Farm Bureau was concerned, hardly created a ripple compared to the big splash in Washington. It was there, not within the individual states, that the principal farm policies were adopted, and the Bureau was on hand for action.

⁷⁰*New York Times*, IV, Feb. 4, 1940.

Administrative Reorganization in Missouri

CARL A. McCANDLESS

Washington University

On July 1, 1946, the administrative branch of the state of Missouri began functioning under a new organizational structure. The adoption of the new plan climaxed a long struggle for administrative reform which had been waged intermittently in the state for almost thirty years. Administrative reorganization was mandatory under the provisions of the new state constitution approved by the voters February 27, 1945, and the broad outlines of administrative structure are incorporated in this document.¹ The details of the present plan, however, were written into the statutes by the Sixty-Third General Assembly which was in continuous session from February 1945 to April 1946 enacting legislation necessary to implement the new constitution.

As was true in many other states the administrative branch in Missouri had experienced periods of rapid expansion as the state assumed responsibility for new governmental functions and expanded the scope of old ones. When changes in administrative structures were made, they were devised to meet immediate needs with little regard for the maintenance of a properly unified and coordinated administrative pattern. As a result of this haphazard growth the administrative organization was wholly unsatisfactory. Lines of authority were not clearly defined, considerable overlapping of authority existed, and overall supervision was practically impossible.

The constitution of 1875, which remained in effect in the state until 1945, provided for a Governor and six other popularly elected executive officers. The General Assembly was specifically instructed to prescribe the duties of these officers, and was left free to establish any number of additional administrative agencies.² For the first twenty years there was no great expansion in the administrative machinery of the state. In 1875 there was a total of only twenty-five administrative agencies operating on the state level, and eight of these resulted from the practice, long followed in Missouri, of creating a separate board to manage each state educational and eleemosynary institution. Only eleven additional agencies were created in the first twenty-year period from 1875 to 1895, and four of these were boards established to administer a like number of newly created state institutions.

The period from 1895 to 1915 was characterized by a sharp rise in the number of state administrative agencies, so that by 1915 there were at least

¹Mo. Const., 1945, Art. IV, Sec. 12.

²Mo. Const., 1875, Art. IV, Sec. 1.

seventy-five such agencies exclusive of boards of election commissioners and boards of police commissioners which, although appointed by the Governor, functioned in the local communities to which they were assigned.³ The year 1915, however, marks the end of the period of expansion in the number of such agencies. Dean Isidor Loeb, a competent observer of political development in Missouri says the year 1915 "marks a natural dividing line as protests against the situation had become increasingly manifest due in part to deficiencies in state revenue which culminated in a large deficit at the end of Governor Major's term in 1917."⁴

Three determined attempts had been made to effect a sweeping reorganization of the state's administrative machinery before the present plan was achieved. Governor Hyde, who was elected in 1921, had committed himself to a reform policy and made this the chief point in his legislative program. He was successful in securing the passage of a set of seven bills which would have accomplished a general administrative reorganization. The fight on the measures in the legislature, however, followed strict party lines; and the Democrats, who were hopeful of victory in the elections of 1922, succeeded in having these reform bills submitted to a popular vote through the referendum procedure. The bills were defeated at the polls by "substantially the same majority by which the Democratic candidate for United States Senator was elected."⁵

A second attempt at reorganization was made by a constitutional convention held in 1922 and 1923. The work of this convention was submitted to the voters as a series of amendments to the old constitution. One of these amendments provided for an administrative branch limited to not more than twelve departments. Five of these were named in the amendment and the remaining seven were left to legislative discretion. The amendment was defeated at the polls along with most of the others submitted with it.⁶

In 1927 a third attempt was made to secure some administrative revision, again by legislative action. An organization known as the Association for Economy in Public Expenditures sponsored by the Associated Industries of Missouri was responsible for initiating this reform program. The plan was presented to the General Assembly in the form of an administrative code providing for the grouping of most of the administrative agencies of the state into nine departments. This plan would have left the constitutional departments unchanged, and by specific provisions would have left the administration of the educational institutions un-

³For this information the writer has leaned heavily on: Isidor Loeb, "The Development of Missouri's State Administrative Organization", *Missouri Historical Review*, Vol. 23, October 1928, pp. 49-60.

⁴*Ibid.*, p. 57.

⁵*Ibid.*, p. 58.

⁶Official Manual, State of Mo., 1923-1924, p. 550.

altered. The plan did not have widespread popular support and was never acted on favorably by the legislature.⁷

Although all attempts at complete administrative revisions had been unsuccessful, a number of individual reforms were made after 1915. A single board was established to manage all penal institutions, and the duties of the separate administrative boards for each of the state eleemosynary institutions were assigned to a single board. By a series of steps an executive budget was established, and a state purchasing agent was provided to centralize state purchasing.⁸ A trend toward the use of single-headed departments rather than boards and commissions is discernable in the organization of the Department of Health and the Department of Agriculture. But however good these piecemeal reforms may have been in themselves, it was becoming increasingly obvious that a general over-all administrative reorganization was long overdue.

The need for administrative revision was publicized by the issuance of a study by the Governmental Research Institute of St. Louis in 1942. This study revealed that there was a total of seventy-eight administrative agencies in the state clasified as follows: seven popularly elected, fifty-seven appointed by the Governor, two appointed by the Supreme Court, and three unclassified. Of the fifty-seven appointive agencies, fifteen were single-headed agencies, and forty-two were boards and commissions. Of these boards and commissions thirty-two were practically free from supervision of the Governor due to their staggered terms and the requirement that they be bipartisan. The Governor in addition to his other duties was called upon to sit on ten *ex officio* boards.⁹ A point which attracted considerable attention was the fact that the collection of state revenues was scattered among ten different agencies.

The present organizational structure in Missouri is based on constitutional provisions, legislative reorganization acts, and a series of executive orders issued by the Governor.¹⁰ The constitution provides for popular election of the Governor, Lieutenant Governor, Secretary of State, Attorney General, State Auditor, and State Treasurer. With the exception of the Auditor, who is elected in the off-year elections, all are elected in Presidential election years. The terms of all these officers is fixed at four years, and the Governor and Treasurer are ineligible to succeed themselves in office.¹¹ Except for the elimination of the State Superintendent

⁷Loeb, *op. cit.* pp. 59, 60.

⁸Wm. L. Bradshaw, "Recent Changes in Missouri State Government", *Southwestern Social Science Quarterly*, Vol. 17, June 1936, pp. 63-69.

⁹Governmental Research Institute, St. Louis, "State Administrative Organization in Missouri", *Dollars and Sense in Government*, No. 23, July 14, 1942.

¹⁰The writer has used photostatic copies of executive orders, since no provision is made for their publication.

¹¹Mo. Const., 1945, Art. IV, Sec. 17.

of Schools from the list of popularly-elected officers, the group remains the same as it was under the former constitution.

The significant change in the popularly-elected officers under the new constitution is found in the nature of the duties assigned to them. The position of the Governor is strengthened under the new organization plan. This is due in part to the regrouping of functions into a limited number of departments making supervision by the Governor practical, but also to a new clause which provides that, "The heads of all the executive departments shall be appointed by the governor, by and with the advice and consent of the senate. All appointive officers may be removed by the governor . . ."¹² At the same time the scope of the powers of the other elective officers is strictly limited. The Secretary of State, formerly assigned a number of duties not related to recordkeeping, is now limited by the following stipulation:

He shall be custodian of such records and documents and perform such duties in relation thereto, and in relation to elections and corporations, as provided by law, but no duty shall be imposed on him by law which is not related to his duties as prescribed in this constitution.¹³

In a similar manner the State Auditor is given authority to establish appropriate systems of accounting for all state officers and to post audit all state agencies, but "no duty shall be imposed on him by law which is not related to the supervising and auditing of the receipt and expenditure of public funds."¹⁴ To limit the administrative functions of the State Treasurer the constitution provides that, "No duty shall be imposed on the state treasurer by law which is not related to the receipt, custody, and disbursement of public funds."¹⁵ No specific statement concerning the duties of the Attorney General is contained in the constitution, the whole matter being left to the discretion of the General Assembly.

As a result of these constitutional limitations the collection of the state sales tax, income tax, inheritance tax, the keeping of the general accounting records of the state, the pre-auditing of expenditures, the registration of motor vehicles, the issuance of drivers licenses, and the supervision of public education have been removed from the hands of popularly-elected officials and assigned to appropriate departments with appointive heads.

In addition to the officers already named, the constitution provides for the establishment of the following six departments: Revenue, Education, Highways, Conservation, Agriculture, and Public Health and Welfare; and the General Assembly is specifically authorized to create not to ex-

¹²*Ibid.*, Art. IV, Sec. 17.

¹³*Ibid.*, Art. IV., Sec. 14.

¹⁴*Ibid.*, Art. IV, Sec. 13.

¹⁵*Ibid.*, Art. IV., Sec. 15.

ceed four additional ones. The total number of departments including those with elective heads is thus limited to sixteen. In order to prevent the establishment of semi-independent and detached administrative agencies the constitution provides that,

Unless discontinued, all present or future boards, bureaus, commissions, and other agencies of the state exercising administrative or executive authority shall be assigned by the governor to the department to which their respective powers and duties are germane.¹⁰

As a result of legislative action and executive orders of the Governor three departments in addition to those with constitutional status have been created. They are the departments of Business and Administration, Corrections, and Labor and Industrial Relations. This leaves the General Assembly with power to create one additional department to meet future needs.

No uniform pattern of departmental organization has been followed either in the departments whose organization is provided by the constitution or in those set up by the legislature. The trend, however, is toward the use of boards and commissions to head the constitutional departments and single directors for the statutory departments. The organizational pattern for the departments of Conservation, Education, Highways, and Revenue is fixed in the constitution; and of these only the Department of Revenue is administered by a single director. The departments of Conservation and Highways are headed by commissions and the Department of Education is administered under the supervision of a board. These boards and commissions follow the familiar pattern with part-time members selected on a bipartisan basis and with relatively long staggered terms. In the departments of Conservation and Education a professional administrator is selected by the board or commission to be the active departmental administrator, but the Department of Highways functions without a single administrative head. Instead the Highway Commission selects a chief engineer, chief counsel, and chief clerk who share the administrative work of the department. The Department of Revenue is administered by a director whose responsibility to the Governor is clearly established.

Of the five departments whose organization has been provided by statute, four are headed by single directors responsible to the Governor. These include the departments of Agriculture, Business and Administration, Corrections, and Public Health and Welfare. The Department of Labor and Industrial Relations is administered by a three-man Industrial Commission. The Commissioners are appointed by the Governor, and

¹⁰*Ibid.*, Art. IV, Sec. 12.

are full-time administrators. One is chosen to represent employees, one to represent employers, and the third to represent the public.

The responsibility for assigning the more than seventy administrative agencies of the state to their proper places in the organizational structure was placed by the constitution upon the Governor, but many of the most important assignments were actually made by the General Assembly. The Governor by executive order merely confirmed the assignments made by the statutes and completed the pattern by allocating to their proper departments those agencies for which no legislative provision was made. The Governor in making the final assignments placed the Highway Patrol, Liquor Department, the Boards of Election Commissioners, and the Boards of Police Commissioners in his own office rather than in any of the established departments. The accompanying chart shows the results of these assignments.

The handling of two major auxiliary functions of the state, financial administration and personnel administration, under the reorganization plan deserves special mention. All important financial activities of the state except that of post auditing are concentrated within a single Department of Revenue. The head of this department is a director appointed by and directly responsible to the Governor. Three main divisions of the department are immediately responsible for the three major financial tasks of the state. The Division of Collection, headed by a State Collector, is responsible for the collection of all state taxes and other revenues. The Division of Budget and Comptroller, headed by a State Comptroller, is responsible for budget making and execution, keeping the general accounting records of the state, pre-auditing all state accounts, and drawing all warrants authorizing payments by the State Treasurer.¹⁷ The Division of Procurement, headed by a State Purchasing Agent, constitutes an agency for centralizing state purchases and letting printing contracts. Two other agencies are nominally assigned to the Department of Revenue, but they operate with almost complete autonomy: the Tax Commission assesses all public utility property in the state for tax purposes and acts as a board of equalization, and the Board of Fund Commissioners supervises the payment of interest and principal on the bonded debt of the state. The latter is an *ex officio* board one member of which is the Director of the Department of Revenue. To secure better financial practices in the state the fiscal year has been changed.

¹⁷Due to ambiguity in the language of the constitution, the power of the Comptroller to draw state warrants may have to be tested in the courts. The constitution clearly gives the Comptroller authority to pre-approve all accounts of the state. But in one section it says depository banks shall make payments on "demand of the state treasurer authorized by warrants of the state auditor." The Auditor has maintained that this language gives him power to draw state warrants, but the statutes have definitely assigned this function to the Comptroller.

Formerly the fiscal year coincided with the calendar year, but now begins July 1 and extends through June 30.

A limited merit system for personnel administration is established under the new organizational plan.¹⁸ With the exception of certain professional and scientific workers, top administrators and their private secretaries, all employees in the departments of Corrections and Public Health and Welfare, and the Division of Social Security of the Department of Labor and Industrial Relations are covered by the merit system. The administrative machinery for handling the personnel-function consists of a part-time Personnel Advisory Board and a full-time Personnel Director. The board is given policy determining and quasi-judicial authority, while the director exercises the administrative power. The board consists of three members appointed by the Governor for six-year overlapping terms. The director is appointed by the Governor from a list of three names submitted to him by the board. The board is required to submit the top three candidates as determined by a competitive examination conducted under the supervision of the board. Admittedly the coverage of the plan is far too limited, but successful operation on this limited scale may result in the extension of the merit system to other departments of the state.

An examination of the departments responsible for the administration of the service functions of the state reveals no material changes in the departments of Highways, Agriculture, and Conservation. The departments were incorporated in the reorganization plan with the same functions and practically the same administrative organization as they possessed under the old system. The organization of the other service departments, however, represents drastic departures from former practice.

In the Department of Corrections is concentrated the management of all state penal and reform institutions. The department is headed by a single director who is also the director of the Division of Penal Institutions. This division supervises the administration of the state penitentiary, the woman's division, and the intermediate reformatory. A second division of the department, headed by a State Board of Training Schools, is responsible for the administration of the three state training schools for juvenile delinquents. A third division of the department supervises the state's probation and parole program and is headed by a Board of Probation and Parole.¹⁹

The Department of Public Health and Welfare is also headed by a single director. The major functions of this department are grouped under three divisions each of which is in charge of a divisional director. The Division of Health, with thirteen separate subdivisions or bureaus,

¹⁸Mo. Const., 1945, Art. IV, Sec. 19; 63rd. General Assembly, H. B. No. 162.

¹⁹63rd. General Assembly, Senate Committee Substitute for S. B. No. 347.

administers the functions formerly performed by the old State Department of Health. The Division of Mental Diseases exercises supervision over the six state welfare institutions. These are hospitals for the mentally ill and were formerly called eleemosynary institutions. The Division of Welfare administers the state's program for old age assistance, aid to dependent children, relief in cases of calamity, direct relief, child welfare services, and services for the blind.²⁰

The new Department of Education has as its major function the supervision of the public schools of the state. It is headed by a State Board of Education, but the actual administrative work is directed by a Commissioner of Education selected by the board. The cohesive character of the department is weakened by the assignment to it of many agencies whose work is closely allied to education but which operate as practically independent units within the department. The eight boards which supervise the administration of the institutions of higher learning in the state are nominally assigned to the Department of Education, but in practice they operate as independently as they have in the past. Likewise fifteen separate boards for registering and licensing persons who wish to practice certain trades and professions in the state are housed in this department, but are in no way responsible to its head.²¹

The Department of Business and Administration includes those agencies of the state which can be classified as regulatory in character. These include the Public Service Commission, which regulates all public utility companies over which the state has jurisdiction, the Insurance Department, the Department of Finance, which supervises state banks, the Department of Building and Loan Supervision, and the Athletic Commission. In addition to these regulatory agencies the Department of Resources and Development, the state's nearest approach to a planning board, and the Merit System of Personnel Administration are assigned to this department. Although a single director is head of the department, many of the agencies operating within the department have considerable autonomy.²²

The Department of Labor and Industrial Relations under a tri-partite board consists of five divisions each of which performs a major function of the department and is administered by a single director. The Division of Workmen's Compensation administers the state Workmen's Compensation Act; the Division of Employment Security administers unemployment compensation benefits, the State Employment Service maintains state employment offices, and the divisions of Industrial Inspection and Mine Inspection maintain regular inspectional services to insure compliance with state safety laws.²³

²⁰*Ibid.*, S. B. No. 349.

²¹*Ibid.*, S. B. No. 456.

²²*Ibid.*, Senate Committee Substitute for S. B. No. 348.

²³*Ibid.*, S. B. No. 246.

A complete evaluation of the reorganization plan can be made only after it has been in operation for a reasonable length of time, but certain observations can be made from a study of the plan itself. Many improvements over the old administrative structure are obvious both with respect to the over-all administrative structure and the internal departmental organization. On the other hand close scrutiny reveals that complete administrative integration at the state level has not been achieved in actual practice to the extent that might appear from glancing at an administrative chart.

Viewing the plan as a whole some of its most significant improvements can be enumerated.

(1) The administrative duties of the popularly-elected officers have been strictly limited. This has resulted in the reassignment of such important duties as supervision of public education, tax collection, pre-auditing of expenditures, and motor vehicle registration to departments more directly responsible to the Governor.

(2) All administrative functions have been concentrated in a limited number of major departments. Not including the departments headed by popularly-elected officers, nine departments are responsible for all of the administrative functions of the state. The number of department heads reporting directly to the Governor is thus sufficiently small to indicate that the generally accepted principle of span of control is not seriously violated.

(3) The functional principle has been followed in setting up departments and in assigning the major administrative agencies to these departments. It is true that in any administrative organization as large as that of a state some disagreement as to the proper place for certain agencies will exist, but, in general, the duties of the agencies assigned to any one department are closely associated with the major function of that department.

(4) The position of the Governor as chief administrative officer of the state has been strengthened. This results both from the fact that his control over appointments and removals has been made specific and from the fact that the administrative machinery has been sufficiently simplified to make effective supervision possible.

(5) The adoption of single directors to head such important departments as Revenue, Corrections, Public Health and Welfare, and Business and Administration will be approved by most students of administration, although some will doubt the wisdom of this type of organization for the Department of Public Health and Welfare. The provision for single administrative officers in the departments of Education and Conservation even though they serve under plural heads is an improvement over the full-time administrative board type of organization.

(6) The adoption of a sound merit system even with a very limited application must be considered a distinct achievement in a state where successive legislatures have been hostile to any merit system legislation.

The constitutional mandate that all administrative agencies of the state be included within a limited number of departments has been observed with perhaps two minor exceptions. These are the Board of Law Examiners which is left under the jurisdiction of the Supreme Court and the Commission on Interstate Cooperation which is largely legislative in character. In many instances, however, it may be questionable whether the spirit, as well as the letter, of the constitutional mandate has been properly observed.

Some of the significant weaknesses of the new plan are easily discernable.

(1) Many important administrative agencies are by statute made a part of a certain department but are by the same statute given practically independent status. One of the best examples of this is the Board of Educational Institutions which is a major division of the Department of Corrections. The statute provides, however, that this division "shall not be subject to orders of the director of said department of corrections and shall have only such relationships with the departments as is set forth in this act."²⁴ And the relationships provided in the act do not in any way limit the independence of action given to the division. Similar provisions are contained in the statutes assigning the Board of Probation and Parole to the same department. In the Department of Revenue similar statutory language gives complete independence to the Tax Commission. In the Department of Business and Administration a similar degree of autonomy is specifically given to the Merit System of Personnel Administration, and in the Department of Education the boards governing the state institutions of higher learning and the fifteen registration boards are a part of the department in name only.

(2) No statutory provision was made for a long list of minor agencies of the state, hence these have been assigned by the Governor to a department to which their duties seemed relevant, but they have not become incorporated into the organizational structure of the department to which they have nominally been assigned.

(3) The total number of administrative agencies of the state has not been materially reduced. They have in many cases merely been regrouped into a number of larger departments.

(4) The total number of boards and commissions has not been greatly reduced. It is true that many very important functions have been placed under single directors, but there are still fifty-six boards and commissions within the reorganized administrative structure.

²⁴*Ibid.*, Senate Committee Substitute for S. B. No. 347.

(5) Ten administrative agencies have been assigned to the Office of the Governor rather than to any of the departments. It is probable that they will be as independent as they were under the old administrative organization. No greater control over these agencies is given to the Governor by their inclusion in his office; and the fact that the Governor must give his attention to these agencies directly rather than through a department director tends to increase the span of control beyond reasonable limits.

The administrative reorganization plan represents a major forward step for the state, but much remains to be done before a completely integrated system is established on the state level. The new plan provides an acceptable framework upon which the legislature can build a sound administrative organization.

STATE ADMINISTRATIVE ORGANIZATION IN MISSOURI

(Italics denote constitutional status)

ELECTED OFFICERS: *Governor, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, State Auditor.*

AGENCIES RESPONSIBLE TO THE GOVERNOR:

In the office of the Governor: State Highway Patrol (Superintendent); Liquor Control Department (Supervisor); State Military Forces (Adjutant General, State Service Officer, Naval Militia); Boards of Election Commissioners; Boards of Police Commissioners.

Department of Business and Administration (Director): Division of Insurance; Division of Finance; Division of Resources and Development; Division of Saving & Loan Supervision; Division of Geological Survey; Public Service Commission; Personnel Advisory Board.

Department of Corrections (Director): Division of Penal Institutions (Women's Division; Intermediate Reformatory); Division of Educational Institutions (*State Board of Training Schools*); Board of Probation and Parole.

Department of Education (State Board of Education): The Commissioner (School for the Blind; School for the Deaf; State Librarian); Curators, University of Missouri; Curators, Lincoln University; Boards of Regents, five state colleges; Division of Registration (fifteen boards); State Historical Society; Anatomical Board (Poultry Experiment Station; Soil Districts Commission; Fruit Experiment Station.)

Department of Revenue (Director): Division of Budget and Comptroller; Collector; Division of Fund Commissioners; Board of Public Buildings; Tax Commission; Office of State Inspector of Oils.

Department of Labor and Industrial Relations (Commission): Division of Workmen's Compensation; Division of Industrial Inspection; Division of Employment Security; Division of Mine Inspection.

Department of Agriculture (Commissioner): State Entomologist; State Veterinarian; Grain Warehouse Department (Commissioner).

Department of Public Health and Welfare (Director): Division of Health (Director); Division of Mental Diseases (Director); Division of Welfare (Director).

Department of Highways (Commission): Chief Engineer; Chief Counsel; Chief Clerk.

Department of Conservation (Commission): State Park Board; Moses Austin Memorial Commission.

Freedom of the Press in Wartime 1917-1919*

O. A. HILTON

Oklahoma A. and M. College

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The enforcement of war time statutes relating to newspapers and periodicals provides no more objective means for determining the meaning of free press than does the record of legislative and judicial encroachment on free speech.¹ There was the same tendency for the courts to accept the demands of the super-patriots as sound law, for the judges and postal executives to view certain activities as bad and through a process of rationalization find legal justification for prohibiting them. Section XII of the Espionage Act prohibited mailing any matter which violated its provisions, as well as any matter "advocating or urging treason, insurrection, or forcible resistance to any law of the United States . . .". The Sedition Act contained similar prohibitions against violations of its much broader provisions, and in addition authorized the postal service to refuse to deliver mail to anyone violating the statute. The Trading With the Enemy Act² made it unlawful to print or circulate in any foreign language any matter respecting the Government of the United States or other governments in the war, their policies, conduct of the war, etc., unless there was first filed with the postmaster at the point of mailing a true translation of such matter. The President could at his discretion license foreign language papers and free them from the translation requirement. Any printed matter not conforming to the act was declared non-mailable. The statute went on to prohibit "any person, firm, corporation, or association, to transport, carry or otherwise publish or distribute the same," or any matter declared non-mailable by the Espionage Act, though it appears that this provision was seldom invoked.

According to Blackstone, freedom of the press consists "in laying no previous restraint upon publications, and not in freedom from censure for criminal matter when published,"³ and it is apparent that many mem-

*This is the second in a series of two articles by Professor Hilton dealing with civil liberties during the first World War.—Ed.

¹Cf. O. A. Hilton, "Public Opinion and Civil Liberties in Wartime 1917-1919", *Southwestern Social Science Quarterly*, December 1947.

²Approved Oct. 6, 1917. 40 Stat., 425.

³See Kenneth E. Michael, "Freedom of the Press Under Our Constitution," *West Virginia Law Quarterly and the Bar*, Dec. 1926, 29-138; Thomas F. Carroll, "Freedom of Speech and of the Press in War Time: The Espionage Act," *Michigan Law Review*, 17 (June, 1919), 621-665; Edward S. Corwin, "Freedom of Speech and Press Under the First Amendment: A Resume," *Yale Law Journal*, 30 (1920-21), 48-55; James

bers of Congress intended to provide that limitation in the Espionage Act, and believed they had. Mr. Volstead, a member of the House Committee on the Judiciary, stated that "The only power we left in the bill over the mails gives the postmasters the right to exclude treasonable or anarchist matter—*exclude that particular issue*. Then we make them subject to fine or imprisonment."⁴ Even a member of the committee which had charge of the bill did not realize the ingenuity which would be manifested by postal authorities, nor the tendency of the courts to support the decisions of executive departments.

The Espionage Act authorized the Postmaster General to deny the use of the mails to any printed matter that violated the act, but it was silent on the question of subsequent issues of a publication which had had one or more issues barred because they contained seditious matter. This is a significant omission; for as was brought out in the early part of this discussion, Congress had debated the censorship provision of the original bill and had deliberately rejected it. Had Congress intended to grant the Postmaster General the authority which he did exercise, it could have done so very easily. But this it did not do, and the debates and provisions of the statute demonstrate this clearly. Public opinion, however, became too intolerant to be ignored, and law or no law high postal officials followed the line demanded by extremists. Where others of the President's official family had generally exercised some restraining influence against intolerance, Postmaster General Burleson and Solicitor William H. Lamar encouraged it by the policy followed. It is not necessary to determine whether they were responding to pressure or were merely "samples" of public opinion.⁵ It is sufficient to note that

Parker Hall, "Free Speech in War Time," *Columbia Law Review*, 21 (1921), 526-537; Fred B. Hart, "Power of Government Over Speech and Press," *Yale Law Journal*, 29 (1919-20), 410-428.

⁴*Cong. Rec.*, 65 Cong., 1 Sess., April 30, 1917, 1607. Italics are the writer's. On May 14, a Minneapolis editor sent Senator Knute Nelson a wire in which he characterized the censorship provision as a "Gag law" and urged Nelson to vote for the Johnson amendment eliminating it. The next day the Senator replied tartly that the law was intended "to prevent information with respect to the numbers, description and disposition of the armed forces of the United States reaching the public and through them the enemy. How any patriotic newspaper, having the welfare of our army and navy and our soldiers and sailors at heart, can object to such an amendment as this, is beyond my understanding." He stated further that the editor must have sent the telegram of protest under a "misapprehension" as to the nature of the proposed law. Knute Nelson papers, Minnesota Historical Society. The so-called censorship provision was eliminated before the bill became a law. But if Senator Nelson followed the enforcement of the act in the courts and by the Post Office Department, one may wonder if he did not ultimately conclude that he had supported the measure through a "misapprehension" of its provisions.

⁵The Post Office Department records relating to the war are not in the Department or The National Archives. It has been intimated by officials in charge of

their actions on the whole coincided with the demands of the most vociferous patriots.

Realizing the tremendous task involved in examining every issue of every suspected paper to ascertain whether it conformed to law, Judge Lamar evaded the difficulty by a combination of means which resulted in the virtual suppression of a number of publications. An issue of a paper containing objectionable matter would be withheld from the mails pending investigation. The publisher would be notified to appear at a certain time to show cause why his second class permit should not be revoked. The Classification Act of 1879 which governed second class permits provided that a newspaper or other periodical, in order to obtain the permit, must be regularly issued at least four times a year and contain a certain amount of news or information in proportion to advertising.⁶ After withholding one issue from the mails, the Department would hold that the publication was no longer a newspaper within the meaning of the law, and revoke the permit. The Solicitor may have been correct technically in contending that papers were not suppressed but only particular issues denied the mails and second class permits revoked, because publishers had other avenues of distribution open to them.⁷ The technicality is hardly worth arguing, however, since the second class privilege was necessary to most of the papers barred. They were not large metropolitan dailies with huge city circulation distributed by carriers, but small weeklies or monthlies that went out over the country to a scattered subscription list.

Postal authorities argued that there was no issue of free speech or free press involved in their procedure. But in reality there was presented very clearly the issue of whether one or a few conservative administrative officers should determine the fate of the radical press and pass upon the wisdom of propagating ideas which they had no equipment for even appreciating, to say nothing of judging as to effect. Campaigns urging people to violate the law of course fell within the prohibitions of the Espionage Act. But Postmaster General Burleson stated that "if newspapers go so far as to impugn the motives of the government and thus encourage insubordination, they will be dealt with severely. For instance, papers may not say that the government is controlled by Wall Street or munition manufacturers, or any other special interests," and

Post Office files that some of them may have been transferred to the Department of Justice Archives, and the latter are not open to investigators.

⁶20 Stat., 358.

⁷See the Postmaster General's explanation in *Cong. Rec.*, 65 Cong., 1 Sess., 6258. In a dissenting opinion in the *Milwaukee Leader* case, Justice Brandeis stated the practice was "clearly a punitive not a preventive measure," and that "The actual and intended effect of the order was merely to impose a very heavy fine, possibly \$150 a day for supposed transgression in the past." 255 U. S., 434-435.

further would not permit the publication of anything attacking "improperly our allies."⁸ None of the Socialist papers would be barred from the mails, he stated, unless it contained treasonable or seditious matter; but he added, "The trouble is that most Socialist papers do contain such matter." And like the irresponsible masses, postal authorities believed a widespread German propaganda was being disseminated to obstruct the war, and they tried to discredit the Socialist and German-language papers by charging them with aiding in the campaign.⁹

Civil liberties to be real must rest upon a rule of law. But after disposing of the law by a line of reasoning which would have done credit to a medieval logician, Lamar rested his case upon the paternalistic assumption that the people must be protected against the influence and irritation of contact with misguided ideas. He implies that some papers were suppressed because "The nation owes something . . . to those poor duped followers of these leaders who weave the web so cunningly desired by Germany." If the propaganda were crushed their latent patriotism might be aroused. The patriots, too, needed protection: ". . . the Government as the carrier of the mail owes something to that great mass of the thoroughly loyal who don't want disloyalty dinned into their unwilling ears and thrust uninvited into their mail." Furthermore, "For us to permit an exaggerated sentimentalism, a misapplied reverence for legal axioms which our courts have held have no true application to the questions involved to restrain us, would be criminal not only to our soldiers, sailors, and ourselves, but to posterity."¹⁰

Both the Postmaster General and the courts denied that second class permits were revoked on the grounds that publications were not regularly issued because of interference by postal authorities, but contended such actions were based upon the illegality of the matter printed. The form used stated that the permit was revoked on the ground "that the publication is not a 'newspaper or other periodical publication' within the meaning of the law governing mailable matter of the second class, and, furthermore, is not regularly issued at stated intervals as a newspaper or other periodical publication within the meaning of the law . . ." In upholding the revocation of the *Masses'* second class permit, the district court engages in a somewhat similar exercise in circumlocution. The argument that the Postmaster General could revoke a permit because a magazine which publishes unlawful matter in some of its issues was not regularly issued "seems not unreasonable," the court stated.

⁸*New York Times*, Oct. 10, 1917; *Current History*, Nov. 1917, 235; William H. Lamar, "The Government's Attitude Toward the Press," *Forum*, Feb. 1918, 133.

⁹See Lamar, *loc. cit.*; *New York Times*, Aug. 7, 19, 1917; S. H. Adams, "Poisoning the Press," *Everybody's*, Dec. 1917, 10-14; *Harvey's War Weekly*, April 27, 1918, 6-7.

¹⁰Lamar, *loc. cit.*, 132.

If the publication contains matter in violation of law, it ceases to be a mailable publication at all, and hence can lay no claim to regularity of issue. It was for this reason that *The Masses* was held by the Department not to be regularly issued and not for the absurd reason suggested at the argument that transmission had been interrupted by the stay of Judge Hough. A more important ground for revocation than regularity of publication was the illegality of recent issues.¹¹

It is difficult to follow the reasoning of the courts because in no case did the postal authorities or the courts explain what statute they relied upon in declaring that a publication which had violated the Espionage Act ceased to be a mailable publication. Neither the Espionage Act nor the Classification Act contained a grant of such authority. The Circuit Court of Appeals recognized this difficulty in the *Milwaukee Leader* case, which came before it on appeal to compel the Postmaster General to restore its second class permit. There was no question of Burleson's power to refuse the mails to particular issues. But a blanket order applying to the future, which the court stated was "in practical effect . . . a refusal of mail privileges," was a more difficult matter, since "The statute contains no express grant of such authority. This is significant," the court continued, "in view of the fact that Congress deemed it necessary to grant such authority in respect to fraudulent lottery, gift enterprise, or scheme for the distribution of money." However, the reputation of the publication did not entitle it to court interference. "The settled policy of the appellant having been such as to brand it as a hostile or enemy publication, we are not disposed in the circumstances of the case, to extend to it this equitable remedy."¹²

But when the case came before the Supreme Court, the latter held that the "power to suspend or revoke such second class privilege was a necessary incident to the power to grant it . . ." It held furthermore that "This is neither a dangerous nor an arbitrary power, as was argued at this bar," for it was subject to review by the courts, and to control by the President and Congress. The order of revocation did not withdraw the use of the mails, as the paper had access to other classes of mail, and there was nothing to prevent reinstatement of the second class privilege at any time.

It was open to the relator to mend its ways, to publish a paper conforming to the law, and then to apply anew for the second-class mailing privilege. This it did not do, but, for reasons not difficult to

¹¹*Masses Publishing Co. v. Patten*, Int. War Stat., Bull. No. 26, 4. For additional phases of the legal battle of the *Masses* to retain its second class permit, see also Int. War Stat., Bull. No. 7; 244 Fed., 535; 245 Fed., 102; 246 Fed., 24.

¹²*U. S. ex rel. Milwaukee Social Democrat Publishing Co. v. Burleson*, 258 Fed., 283, 284.

imagine, it preferred this futile litigation, undertaken upon the theory that a government competent to wage war against its foreign enemies was powerless against its insidious foes at home. Whatever injury the relator suffered was the result of his own choice . . .".¹³

Justice Brandeis, in a dissenting opinion, came to closer grips with the real issues involved in the *Leader* case and others. He denied the Classification Act gave the Postmaster General power to revoke a second class permit for violation of the Espionage Act. The requirement that a paper be regularly issued referred not to the "propriety of the reading matter," but only to the fact that periodic publication must be intended and that intention carried out. The act did not purport to deal with the effect of, or the punishment for, crimes committed through publication. It simply classifies material which may be sent at the reduced rates. "The act says what shall constitute a newspaper." Violation of a different law has no effect on whether the publication is a newspaper. "If it is a bad newspaper, the act which makes it illegal and not the classification act provides the punishment." Justice Brandeis also rejected the contention that the second class permit was a privilege and not a right. Instead he said that any properly qualified person had a right to the service so long as it is offered to him. The right "to the lawful rates is a right independent of the discretion of the Postmaster General."¹⁴ Justice Holmes in a separate dissenting opinion spoke even more forcibly on this point. The Postmaster General, he said, had no power to issue a general order barring a paper from the second class rates because he thought in the future it might "contain treasonable or obscene talk." While the government operates the Post Office,

¹³*U. S. ex rel. Milwaukee Social Democrat Publishing Co. v. Burleson*, 255 U. S., 407; quotation is at p. 416. (June 6, 1921). Victor Berger, editor of the *Leader*, was born in Austria. He came to the United States in 1878, and was one of the founders of the Socialist Party, and one of the members of the resolutions committee which framed the St. Louis Platform. In February 1918, he and four others were indicted in Chicago for violation of the Espionage Act. Shortly before the indictment, he was nominated on the Socialist ticket for the United States Senate and polled over 100,000 votes. In November 1918 he was elected to Congress. His case came to trial in December and Judge Landis sentenced him to 20 years imprisonment. An appeal was taken and Berger released on bail. January 13, 1921, the Supreme Court reversed the decision and the Government abandoned the charges. But when Berger appeared to be sworn in as a Representative from the fifth district of Wisconsin, objection was made that he was ineligible, and in November 1919, the House declared his seat vacant. At a special election in December 1919, Berger defeated a fusion candidate of the Republican and Democratic parties by a large majority, and again the House refused to permit him to take his seat. (Jan. 10, 1920). His constituency elected him a third time and on December 3, 1923, he took his seat without a dissenting vote. In May 1921, Postmaster General Will Hays restored the *Leader's* second class permit. See Chafee, *op. cit.*, 315-332.

¹⁴255 U. S., 417-436.

the use of the mails is almost as much a part of free speech as the right to use our tongues, and it would take very strong language to convince me that Congress ever intended to give such a practically despotic power to any one man. There is no pretense that it has done so. Therefore I do not consider the limits of its constitutional power.¹⁵

In concluding his opinion Justice Brandeis pointed out that there was involved not merely a question of war power (to which Justice Holmes agreed), but of peace time power as well. Congress, he stated, conferred upon the Postmaster General the enormous power contained in the Espionage Act of entirely excluding from the mails any letter, picture or publication which violated the broad terms of that act. But it did not confer—and the Postmaster General concedes that it did not confer—the vague and absolute authority practically to deny circulation to any publication which, in his opinion, is likely to violate in the future any postal law. The grant of that power is construed into a postal rate statute passed forty years ago, which has never before been suspected of containing such implications. I cannot believe that, in establishing postal classifications in 1879, Congress intended to confer upon the Postmaster General authority to issue the order here complained of. If, under the Constitution, administrative officers may, as a mere incident of the peace time administration of their departments, be vested with the power to issue such orders as this, there is little substance in our Bill of Rights and in every extension of governmental functions lurks a new danger to civil liberty.¹⁶

The Irish papers had been generally anti-British before the United States entered the war, and had difficulty in effecting a rapid change of tone. Consequently, the Post Office Department tried to discredit them, and by hints and innuendoes implant in the public mind the belief that they were pro-German, and to harrass them by withholding occasional issues from the mails. At least one was barred from the mails.¹⁷

Continuous agitation was carried on against the German-language press, almost regardless of the paper's position toward the war. The mere fact of language was sufficient. This agitation was, of course, closely related to the campaign to eliminate the use of the language entirely from public places. The Committee on Public Information and the State

¹⁵*Ibid.*, 437.

¹⁶255 U. S., at 436.

¹⁷This was Jeremiah O'Leary's paper, *Bull. The New York Times* (Sept. 21, 1917) account of the hearing stated that it lasted less than ten minutes. Government counsel never uttered a word. While defense counsel was talking the judge "glared" through a few copies of the paper, and ruled that Burleson acted within his powers. O'Leary was later tried for treason and acquitted.

Councils Section of the Council of National Defense encouraged the use of the German language to reach with their propaganda those who could not understand English. But many state councils and patriotic organizations demanded suppression. Several of the papers had their second class permits revoked and a number of editors were prosecuted under the Espionage Act.¹⁸

While Oswald Garrison Villard held views which were distasteful to conservatives, his prominence seems to have protected him. At least it was not until he criticized the sending of Samuel Gompers on a labor mission to England that the Post Office Department moved into action and withheld the September 14, 1918 issue of the *Nation* from the mails. President Wilson intervened to release the paper.¹⁹ Ranking almost with the attempt to protect Gompers's reputation, was the Postmaster General's concern for the federal tax structure. One issue of the *Public* was withheld from the mails for insisting that a larger share of the costs of the war should be borne by taxation and less by borrowing.²⁰

In the absence of official Post Office records much remains obscure as to the effects of the censorship of the press. Apparently about seventy-five papers were interfered with in one way or another, of which about forty-five were Socialist publications. Some twenty-two Socialist papers, including four dailies, were denied the second class privilege, and a number were prohibited from being shipped by express. Some Socialist books, leaflets, and pamphlets were denied transmission through the mails.²¹

The large metropolitan dailies were generally free from any except the invisible censorship and a self-imposed censorship under their own regulations, the press rules laid down by the Committee on Public Information, and of course the potential results of violating the Espionage

¹⁸See *National German-American Alliance*, 65 Cong., 2 Sess., Hearings before the Subcommittee of the Committee on the Judiciary, U. S. Senate, 608, 609; E. E. Sperry and W. M. West, *German Plots and Intrigues in the United States During the Period of Neutrality* (CPI Pamphlet, Red, White and Blue Series, No. 10, Washington, 1918); *Suppress German Printed Papers in this Country*, reprint from the *Manufacturers Record*, Aug. 16, 1917, 21; S. H. Adams, "Poisoning the Press," *Everybody's Magazine*, Dec. 1917; *Report of the Minnesota Commission of Public Safety*, 34; *New York Times*, Aug. 24, Sept. 9, Nov. 10, 1917; *U. S. v. Prieth et al*, 251 Fed., 946 and *Report of Attorney General* for 1918, 51; *U. S. v. Frohwerk*, Int. War Stat., Bull. No. 128; and *Frohwerk v. U. S.*, 249 U. S. 204; *Shaffer v. U. S.*, 255 Fed., 885; Harvey's *War Weekly*, April 27, 1918, 6-7.

¹⁹Villard, *Fighting Years*, 354-358; *New York World*, Sept. 18, 22, 1918; *New York Times*, Sept. 14, 17, 18, 19, 1918; Villard to President Wilson, Sept. 17, 1918; Wilson (note) to Tumulty, Sept. 18, 1918; Villard to Tumulty, same date. Woodrow Wilson papers.

²⁰William Hard, "Mr. Burleson, Espionagent," *The New Republic*, May 10, 1919, 43.

²¹See Lindsay Rogers, "Freedom of the Press in the United States," *Living Age*, Sept. 28, 1918, 770; James O'Neal, "The Socialists in the War," *American Mercury*, April 1927, 418.

Act. None was denied the second class privilege, and none was ever seriously interfered with. On the whole they were conservative papers, often opposed to Wilson but supporting the war. The papers which felt the heavy hand of the postal authorities were chiefly those which represented economic theories and views on government which were unpopular with the vast majority of the people, and which were anathema to extreme conservatives.²² That is perhaps one reason the metropolitan press raised no great outcry against interferences with speech and press. And when they did criticize it was in tones smooth and cultured. To these editors no particular issue of freedom of the press arose, because they were with the majority and in a democracy it is generally the minority which has its civil liberties threatened.

The overwhelming preponderance of public opinion in support of the war raises the question as to whether there was any justification for the extreme measures taken by the Department of Justice and the Post Office Department toward dissenters. Considering military conscription, active organizations for government propaganda, and the pressure methods and coercion which operated so effectively in Liberty Loan campaigns, war drives, war issues and almost everything else remotely connected with the war, one may question if the activities of a few editors and other agitators could have resulted in obstructing the conduct of the war to any appreciable extent. Even though criticism or advocacy of change may weaken support in some degree, criticism is a necessity in a democracy. As a matter of fact, a watchful attitude and intelligent criticism is probably the more necessary in time of war. The necessarily rapid expansion of government contributes to inefficiency; the inevitable extension of governmental controls may encourage officials to act arbitrarily; the vast increase in expenditures may tempt actual or potential grafters. The fact that criticism is expressed in crude or intemperate language should not obscure the value it may have, and alone be a cause for prosecution.

The policies followed in enforcing the war time statutes resulted in emphasizing the elements of respectability and orthodoxy. Those who had assured economic and social status, did not question the basis of our economic system, accepted the war as a holy crusade, and expressed their views in somewhat temperate language, were generally permitted to criticize the government and its policies. Political expediency, of course, may have had something to do with this. Those whose views on the war were derived from objectionable economic or social doctrines often

²²Villard, who could not be regarded as a disinterested critic, stated that "... the record soon showed that the Post Office Department was concerned only with arresting small-town editors, suppressing foreign-language publications or little far-Western newspapers, in other words terrifying helpless fry who could not strike back." *Fighting Years*, 327.

were suppressed regardless of their attitude toward Germany, as were many other obscure individuals who used indiscreet or impolite, sometimes vulgar, language to express their views.

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The end of hostilities brought no immediate change in the attitude of the Post Office Department officials. The policy of denying the requests of the radical papers for second class permits was continued, and here and there actions were instituted against editors who had offended in some way. One Jacob Isaacson was indicted in August 1919, for an editorial against the Victory Loan which appeared some months earlier in *Freedom*. In September of the same year, I. E. Snyder, editor of the *Oakland World*, was prosecuted for an editorial to the effect that the Constitution was dying. In November two editors of the Seattle *Union-Record* were indicted for an editorial on the Centralia Affair. And in May 1921 the *Free Voice*, weekly organ of the International Workers of the Amalgamated Food Industries, was declared unmailable by the New York City postmaster.²³

It may be recalled that the United States was technically at war with Germany until 1921, when Congress by joint resolution declared hostilities at an end, and that the anti-Bolshevist scare followed close on the heels of the Armistice and lasted until near the end of the Wilson administration. Consequently, war time legislation, so far as it could be applied, remained in effect, and the fear of the Reds replaced that of the Huns as a cry to rally public opinion to support the demands of the extremists.

Postmaster General Burleson and Mr. Lamar were sorely troubled by the Bolshevist agitation and feared the Red menace. Radical newspapers were publishing matter which disturbed them greatly. And yet they recognized that some of the war time laws could not be applied fully, and other means must be found to protect the public from such pernicious influences. The New York *Call* had lost its second class permit in 1917. In the case of the *Milwaukee Leader*, the Supreme Court had hinted that the proper procedure for an affected paper was not to seek redress in the courts, but to "mend its ways, to publish a newspaper conforming to the law and then apply anew for the second class mailing privilege." On January 9, 1919, the *Call* asked for reinstatement of its permit. The Post Office Department delayed a decision for some eleven months, until December, when it refused the request. The *Call* then instituted mandamus proceedings to compel Burleson to grant the request. On September 3, 1920, Mr. Lamar submitted a memorandum to the Postmaster General in

²³See the *Nation*, Oct. 6, 1920.

which he summarized the problem of the radical papers. Since the Armistice, he stated, radical papers, some of which lost their second class permits during the war, were "clamoring" for the mailing privilege. He reviewed the legislation under which the Department was operating, which included Section 211 of the Criminal Code, applying among other things to literature tending to incite arson, murder, etc. Since the Armistice, the anarchists, Industrial Workers of the World, "radical socialists and kindred organizations" had been espousing the Russian Bolshevik cause and favoring a similar kind of government for the United States as part of a "world revolutionary system to be accomplished through revolutionary methods, including force and bloodshed."

Mr. Lamar recognized that provisions of the Espionage Act which made non-mailable any matter that tended to obstruct enlistment, the operation of the draft law, and sale of bonds for war purposes did not apply to the "revolutionary matter" of the type being published. But he believed it was the duty of the Post Office Department to exclude such matter "unless and until the courts determine that this permanent legislation does not warrant the exclusion from the mails of this class of matter." Lamar took the position that the Department should reject all applications for second class permits presented by publications which habitually published such matter, and declare non-mailable every individual issue of a paper in which such "unlawful" matter appeared. Then it would be up to the courts to pass upon the facts in every particular case presented to them.

Lamar further pointed out that the Department was being criticized by some newspapers for its method of handling "seditious publications" as though it were acting arbitrarily "and had no duty to perform under the law"; but on the other hand, the public was criticizing it for permitting "revolutionary matter" to be carried in the mails.

Postmaster General Burleson immediately addressed a letter to President Wilson in which he enclosed Mr. Lamar's memorandum. He went over the same ground as Mr. Lamar, and pointed out that while the papers whose requests for the mailing privilege had been refused had made an "insidious attempt to keep within the letter of the law," they were trying to inculcate in the minds of readers the belief that the government should be overthrown by force, to encourage a belief in communism, to present the government of Russia as an ideal, and "to consolidate a class which, encouraged to accept as true that Capitalism is dominant in our Country, may be induced by direct action . . . to aid in wresting the control of Government from this so-called capitalistic class." The ultimate effect of this propaganda, so Mr. Burleson contended, was to encourage violence and the crimes described in Section 211 of the Criminal Code, "which declares matter tending to incite arson, murder, or assassination nonmailable." The letter closed with a request that the President

advise him as to the course he thought the Post Office Department should follow with respect to granting the second class privilege to publications of the type mentioned. President Wilson replied with a short note to the effect that he realized the importance of the problem and requested Burleson to bring it up at the next Cabinet meeting.²⁴

No further information has been found to indicate whether the President and his Cabinet discussed the matter. It might be pointed out, however, that there were no laws then outlawing Bolshevism or Communism or declaring the publications of such organizations illegal. The postal authorities, as they had done during the war, decided that such publications were bad, and that therefore it was their duty to find legal grounds upon which to prevent distribution. If they ever considered that the proper procedure in a democracy would have been to request appropriate legislation from Congress, evidence on the point has not yet appeared. It is significant that when the *Call* case reached the Circuit Court of Appeals on appeal by the government from an adverse decision in the District Court, the former accepted the reasoning of the government. The Circuit Court heard the case after the Supreme Court had passed upon that of the *Milwaukee Leader*.

The Circuit Court held that there was substantive evidence that the *Call* had violated the Espionage Act before its permit had been revoked. This was an important point since it had stated that it had not changed its policy "one whit." In other words, it had not mended its ways, as had been advised by the highest court in the *Leader* case. The court also found reasonable the contention of the government that action was justified under the Criminal Code. The Russian Revolution, the court stated, had resulted in arson, murder and assassination, and the complainants had advocated a system for this country similar to that of Russia. The court denied that Mr. Burleson's action constituted a censorship; instead, it merely indicated the unwillingness of government to lend its aid to those who would destroy it by the dissemination of matter "tending to incite arson, murder and assassination."²⁵ The issue of free speech and free press was again evaded.

Perhaps one of the difficulties involved in maintaining a permanent bureaucracy without weakening the fundamentals of the democratic system is the apparent tendency for many government administrators to regard themselves as wiser and better informed than the people, and under the guise of protecting the people or serving the public welfare to expand their powers in ways never intended by the legislative body

²⁴Woodrow Wilson papers.

²⁵*Burleson v. U. S. ex rel. Workingmen's Cooperative Publishing Association*, 274 Fed., 749 (June 6, 1921). Postmaster General Will Hays restored the *Call*'s second class permit in June 1921.

which represents the people. At least, during the first World War (and for a few years after) some government officials showed a distrust of the desirability and efficacy of public discussion, and attempted to prevent the circulation of publications which were personally offensive to many good citizens, but which the evidence shows rather clearly Congress never intended to prohibit. Even when public opinion was aroused to such a pitch that action by Congress could have been assured, public officials sought loopholes in existing law to authorize actions of doubtful legality rather than demand the enactment of statutes. It can hardly be questioned, however, but that prevailing public opinion either supported such actions or negatively acquiesced. The success of democracy, as well as the permanence of the Constitution, requires submission to the law, even when officials charged with great responsibilities of administration deem the law unsound or insufficient.

When one looks at the entire picture during this period of agitation, propaganda, fear and intolerance, the thought occurs that despite the extremes of law enforcement, illegal coercion, pressure and persecution, perhaps the remarkable thing is that the situation was not worse. Fortunately some people remain calm when others lose their heads. Had the federal officials who were responsible for official propaganda and relations with the state councils taken as radical a stand as the patriotic organizations and many of the state councils did, the excesses of the zealots unquestionably would have been greater.

President Wilson remains somewhat of an enigma in the events of the time. Granting his preoccupation with pressing problems of war, his failure to take an aggressive position to protect civil rights hardly seems in conformity with his reputed liberal views on economic and social questions. Though not in the forefront originally in calming the people, he did refuse to be stampeded by the unreasonable demands of the patriots, and he insisted that government propaganda should not teach a propaganda of hate and that orderly processes of law should govern. He apparently did not share Mr. Burleson's fears as to the danger of the radical publications and the necessity of crushing them. After the Post Office Department hearing in the case of the *Milwaukee Leader*, the President wrote to the Postmaster General that the latter might be "shocked" but he did not find the hearing "very convincing". While agreeing that the published material was intended to have sinister results, he did not think it should be regarded as nonmailable. Because there was sufficient room for the exercise of judgment he thought that doubt should be "resolved in favor of the utmost freedom of speech," and he closed with a question as to whether the paper was given another chance.²⁶ The record indi-

²⁶R. S. Baker, *Woodrow Wilson, Life and Letters*, VII, 313.

cates, however, that Mr. Burleson continued to pursue his own policy.²⁷

While they may have agreed with the courts which meted out severe sentences in Espionage Act cases, it seems that most of the President's official family, the Committee on Public Information and the Council of National Defense exercised some restraining influence against the excesses of the populace. Few officials, however, had the courage unreservedly to denounce illegal acts. As early as November 12, 1917, in an address to the American Federation of Labor Convention, the President decried the mob spirit which was "displaying itself here and there in this country." The next public notice appears to have been in May 1918, when the Attorney General denounced the mobs; and on July 26 President Wilson made a public appeal to the people to cease violence and to observe the law. The way had been carefully prepared for this appeal by the Committee on Public Information and the Council of National Defense. That employers and state councils welcomed the President's action is shown by the many letters expressing approval and the requests for multiple copies of the document which are in the papers of the Council of National Defense.

Though he was one of the most aggressive and outspoken liberals of the time, George Creel, Chairman of the Committee on Public Information, sometimes dodged the issue when requested to state the attitude of his organization relative to the campaigns to suppress the use of the German language and the doctrines being spread by the Socialists. Also, he was one of the most active members of the censorship board which censored mail to and from foreign countries.²⁸ On several occasions Creel reported editorials or articles to the Attorney General or to the Postmaster General, with the suggestion that some action be taken. Through the War Department several books were withdrawn from training camp libraries, some of them in response to the request of the Canadian censor.²⁹ Creel and the Council of National Defense influenced publishers to withdraw books from sale, and otherwise exercised an indirect but nevertheless effective censorship over the publishing companies.

Within the personnel of the division of the Council of National Defense which had to do with public opinion (the State Councils Section) there was evidently lack of agreement, and certainly there was lack of frankness, as to the attitude which should be taken toward lawlessness. Some

²⁷Villard states, relative to withholding the *Nation* from the mails, that: "This whole censorship business was a clear illustration of the way the administration did not allow its right hand to know what its left hand was doing. Throughout the war Mr. Wilson with his Cabinet heads 'rode off in all directions.'" *Fighting Years*, 358.

²⁸For a discussion of censorship see J. R. Mock, *Censorship 1917* (Princeton: Princeton University Press, 1941.)

²⁹See Creel to Col. Ernest J. Chambers, Oct. 28, 1918. CPI papers.

of the Section evidently favored the Sedition Act, but others attributed the position of the Department of Justice in favoring it as being due to ambition for more power. On the whole, the Section was influenced by the public attitude toward the use of the German language, as was also the Bureau of Education. Both the Committee on Public Information and the National Council favored the use of German where it was necessary to reach with their propaganda people who could not read English, but both evaded an outright stand against the extremists who were warring on the language. In response to complaints, the Council pointed out that the efforts to eliminate the use of German was in "the interests of a higher unity," and not intended to bring hardship upon them; that they should be willing to make sacrifices for the sake of this unity. The Bureau of Education carried on a campaign for the use of English, and coined a slogan to use it in your home, your town, your county and your nation. The National Council pushed this campaign through the state councils, and cited the slogan in numerous instances, particularly to the Lutheran ministers who were faced with difficulties in ministering to their flocks in some communities where state or local councils had prohibited their preaching in German.

The men in charge of the work of the State Councils Section—sometimes referred to by admiring friends as the "Phi Beta Kappa boys"—could hardly have been ignorant of the weakness of their argument that only one language was necessary if national unity was to be obtained. But quietly by letters to individuals and state councils the Section did urge the need to develop a calmer spirit and secure an end to mob action. And just a week before the President made his appeal, the Section sent a general letter to all state councils urging them to set the full force of their organizations against lawlessness.³⁰ However, their stand was not based upon the Constitution or the need to protect civil liberties, but upon the effects of the actions complained of at home and abroad. Never in its correspondence did the Section present the matter of free speech and press, indictment and fair trial, in the light of constitutional guarantees. Instead it urged cessation of the spirit of lawlessness because the German Imperial Government could use the incidents to show their own people that we are not fighting for democracy since we did not have it at home; and that such acts tended to divide the American people and destroy the unity which had been built up so laboriously.

The rudimentary state of the knowledge extant during the war regarding propaganda and its effects, and the whole field of public opinion in general may be the explanation; but the government officials appeared always to fear that moral support was growing weaker. They pleaded for national unity and had a tendency to interpret every criticism as evi-

³⁰*Loyalty and Sedition*, July 18, 1918. Supplementary to Bulletin No. 99.

dence of a lack of unity. When the country had been aroused to almost unreasoning support of any war measure proposed, officials in Washington, particularly in the Committee on Public Information and the Council of National Defense, as well as the state councils, were fearful that sympathy for Germany still existed, and urged people on to greater propaganda efforts and to more community organization. Without some check to the propaganda activities of the federal and the state organizations, and also to those of the super-patriotic private societies, any failure of government to take action against radicals might precipitate mob violence. It is doubtful if even the well-informed officials realized the connection between propaganda and intolerant or illegal acts. Even when officials deplored the tactics of the zealots they apparently never considered the advisability of lessening the flow of propaganda issued, or of changing the direction of its emphasis. That President Wilson could have curbed such activities early and brought a calmer atmosphere is probable. He may have been too preoccupied with other affairs to notice the growth of lawlessness and the intolerant fears of Mr. Burleson, for example; or he may have hesitated to give conditions the international publicity which would follow a public pronouncement. At any rate he did little publicly until the summer of 1918, and then only after his attention had been called many times to the seriousness of the situation.

Without attempting any definitive conclusions to this survey, one or two overall considerations might be mentioned. The fact that the conservatives were able to use the war situation to their own advantage in affairs only indirectly connected with the war, and because of their own power to infringe upon the liberties of the radicals, hardly furnishes grounds for believing that the latter would not, under similar circumstances, further their own ends by similar measures if they were in control. The composition of the two major parties, gathering as each does into its fold persons of widely differing views on public questions, has usually been a factor in preventing the unanimity of opinion which leads to suppression of the dissenter. During the war years there did not exist any important differences between the two parties with respect to the war issues and the attitudes which the people should assume toward them; this was perhaps one element in the rather widespread disregard of the guarantees of the Bill of Rights. If the factor of public opinion is as important in maintaining individual liberties as the war years would seem to indicate, then a spirit of tolerance and a degree of differences of opinion among the people, rather than Constitutional and judicial forms, are the essentials to the preservation of freedom.

The World They Work In

JAMES A. NORTON

University of Texas

Many social scientists have observed that man is inclined to act in a world of his own creation. Walter Lippmann observed, "... it is clear enough that under certain conditions men respond as powerfully to fictions as they do to realities, and that in many cases they help to create the very fictions to which they respond."¹ The type of self-created world in which some of the Texas legislators work was opened to our view just a little during the last week of the regular session of the Fiftieth Legislature.

A project is being planned to investigate the effect different forces (the rural-urban attitude; religious, social, and economic patterns; occupations; lobbies; etc.) have on decisions made by legislators. One of the preliminary steps was to test certain questions for the legislators' reactions to different words and ideas. Accordingly, a questionnaire was prepared and sent to each of the 150 members of the Texas House of Representatives with a letter explaining its general purpose. No names were requested and the letter stressed the fact that no man's record was being scrutinized. Of the 150 members who received questions, twenty-eight replied and twenty-seven signed their names or otherwise clearly identified themselves. Some of the respondents were very cooperative, returning complete and considered answers. Some of the replies were almost meaningless, but almost everyone who replied answered all the questions.

A copy of the questionnaire and a rough compilation of answers accompanies this report. The query was not designed to clarify the myths of this area (the observer on the scene was constantly reminded of some which were amusing)² and this report on some aspects of the "functioning environment" is entirely incidental to the main purpose. Any generalizations on such a haphazard sample would have to be thoroughly checked.

A word of warning to those who check the compiled answers is appropriate here. The lack of logic in replies sometimes makes the figures alone deceiving. The first two questions (Are you a candidate for reelection, or some other office?) furnish an example. The five who answered the second question are not altogether the five who answered the first question "no." Some representatives gave two affirmative answers

¹Lippman, *Public Opinion*, p. 9.

²Anthropologists were probably surprised to learn of a new "race." It seems to be thought good political technique to identify a "race of Texans." That Yankees are still carpet-baggers to some was evident in several serious debates.

and some replied negatively to both. The two who were undecided in answer number two were among the "undecided" in question number one. How the imaginary environment affects action was shown when, in private conversation, one representative who did not answer the questions gave as his reason the idea that announcing his intentions of running at that time was "dangerous." In his mind he lived in a political situation which made premature announcements dangerous even if they were made in absolute confidence to a person with no political ax to grind.

If the rural-urban conflict is really as vital as many writers seem to believe, representatives from the largest Texas cities would probably be surprised to see some members of their camp. One representative who thought of his constituency as primarily urban listed the population of the largest town as 7,000. A check of the district revealed the urban population was far less than half of the total even if country towns are called "urban." Two members who thought of their constituencies as both rural and urban listed the population of the largest cities as 5,000 or less; these two could be called urban only by a wide stretch of the imagination.

Most of the representatives who answered the questionnaire apparently knew the industries in a much more precise manner than any other type of economic organization. Perhaps because of advertising (formal or informal) or because the community recognized industry as its own interest, the representatives could name important industries in their districts. To only one, however, were public utilities big industry.

On the other hand, individual labor unions were obscured in a sort of haze which loomed under the name "labor unions." There was one exception to this: railway brotherhoods were identified by several as large labor unions even when the respondent failed to recognize the railroads as large industry.

Generally even representatives from rural-agricultural districts knew very little about farm organizations. The answers to questions thirteen and fifteen were never as precise as the identification of industries. Farm organizers could take this to mean they have not realized their greatest potentialities as economic-political organizations.

An interesting attitude was that held toward lobbyists. Most of the representatives who replied to the questionnaire identified the most active and influential lobbies as those supporting interests which they (the representatives) fought. The most active proponents of a natural resources tax tended to identify the natural resources lobby as the strongest; the advocates of a higher retail sales tax on gasoline to finance rural roads identified the truckers as the most active lobby; and most of those who thought the school teachers the most active favored school appropriation plans other than the one the teachers advocated.

Most of the members showed themselves to be somewhat naive with respect to the way they personally were affected by lobbies. Of the twenty-five who evaluated the effect of the most active lobby, only seven admitted they were affected at all. Eight were affected by the most effective lobby as they identified it. But only one admitted any effect other than vexation or disgust; he had received helpful information from the firemen's lobby.

It would be inexcusable to accept the representatives' own evaluation of lobby influence on them. Their answers merely emphasize the prevalent habit of looking upon the lobby as something which exercises evil influence. The rationalization was probably something like this: "I have done nothing crooked for blank lobby; I have been uninfluenced by it." Failure to identify lobbies works to the advantage of special interests in the world in which these legislators work. One representative who said he was not influenced by any lobby said that his most helpful information came from "representatives of the oil industry." The facts these men gave could be used since they were not negated by the emotional identification "lobby—an evil thing."

Another interesting rationalization became evident when questions 20, 21, 22, and 25 were compared. Most representatives answered questions 20 and 21 that the most active and effective lobbies had no influence on them. Nevertheless some groups (if not the most active or effective lobbies) had convinced them overwhelmingly that personal contact—possibly with "blondes, bourbon, and beefsteak" to break the ground for explanation—was the most effective lobbying technique. The representatives then turned, and in the rationalization of their positions stated unanimously that *no* home district delegation ever changed the way they intended voting.

Results of Questionnaire

1. *At the present time do you consider yourself a candidate for re-election?* Yes—18, No—5.
2. *If not for the same post, do you plan to run for any other position?* Yes—5, No—9.
3. *Do you think of your constituency as primarily RURAL or URBAN?* Rural—18, Urban—5.
4. *Do you think of your constituency as primarily INDUSTRIAL or*
5. *What is the population of the largest city in your district?* 5,000 or less—9; 5,000-10,000—6; 10,000-25,000—5, More—8.
6. *Are there any large industries in your district?* Yes—22, No—6.
7. *Less than five? 12 More than five? 10.*
8. *Would you name some?* Answered—22, No Answer—6.
9. *Are there any large labor unions in your district?* Yes—14, No—14.

10. *Less than five 7 More than five?* 9.
11. *Would you name some?* Answered—20, No Answer—8.
12. *Are there any large farm cooperatives in your district?* Yes—14, No—14.
13. *Would you name some?* Answered—13, No Answer—15.
14. *Are any other farm organizations strong in your district?* Yes—10, No—17.
15. *Would you name them?* Answered—10, No Answer—18.
16. *What is your occupation?* Attorney—12, Farmer—3, Merchant—1, Student—5, Law Student—4, Other—7.
17. *To what business and professional organizations do you belong?* Answered—27, No Answer—1.
18. *Which lobby do you think has been most active this session?* Oil & Gas—13, Teachers—7, Truckers—2, Railroads—2, Chiropractors—1, Fair Trade—1, School Book Publishers—1.
19. *Which lobby do you think has been most effective this session?* Oil & Gas—11, Teachers—7, Truckers—2, NAM—1, Firemen—1, Railroads—1, Liquor Interests—1, School Book Publishers—1.
20. *How were you personally affected by most active lobby?* Affected—7, Not Affected—18.
21. *By most effective lobby?* Affected—8, Not Affected—17.
22. *Which lobbying technique do you think was most effective?* Personal contact—11, Letters—3, 'That of Oil & Gas'—3, 'Rally Public opinion'—2, 'Elect men'—1, 'Subtle promises'—1, Trips—1, Explanation—1, 'Retainers to members'—1, 'Blondes, Bourbon and Beefsteak'—1.
23. *Did any delegation from your district visit you this session?* Yes—24, No—4.
24. *Did you vote as the delegation requested?* Yes—11, No—4, Both—9, No Answer—4.
25. *Would you have voted the same way had they not come?* Yes—26, No—0, No Answer—2.
26. *Which organizations, or which persons, have given you the most helpful information in:*
 - a) *Committees?* Answered—14, No Answer—11, Answer Not Meaningful—3.
 - b) *Voting?* Answered—13, No Answer—15.
 - c) *Bill Sponsorship?* Answered—13, No Answer—15.
27. *Would you please list some of the bills in which you have been most interested this session, checking those you sponsored, and marking those you favored with a plus sign, those you opposed with a minus sign?* Answered—22, No Answer—6.

Book Reviews

Edited by—H. MALCOLM MACDONALD

JOHN R. DEANE: *The Strange Alliance*. (New York, The Viking Press, 1947, pp., viii, 344, \$3.75.)

This is a book to be read by all those whose interests in the problems of Soviet-American relations go deeper than the day's headlines, and particularly by those who are inclined to the view that a sudden transformation and worsening of these relations took place when Truman succeeded Roosevelt in the presidency. On this view the present tragic impasse is traced primarily to an unjustified and essentially unilateral hardening of the American attitude toward the Soviet Union, and is to be corrected by a retracing of our path until we have returned to the attitudes and policies which governed war-time Washington. This book lends scant comfort to any such version of history and throws light on a couple of vital years, the inner history of which was necessarily concealed by the secrecy surrounding the conduct of war.

Head of our military mission in Moscow from October, 1943, until October, 1945, General Deane tells in chatty and informal fashion the story of the pains and pleasures of doing business in Moscow during the period when the war alliance was at its height and collaboration between the Soviet Union and the United States was at its best. With a considerable wealth of anecdote and concrete illustration, the author covers a variety of minor projects, vodka-laden banquets, and complications in addition to such major problems as the handling of the Lend-Lease program at the Moscow end, the co-ordination of air force activities, the handling of the German surrender, the repatriation of prisoners of war, and the negotiations attendant upon the brief Soviet appearance in the Pacific war. In three concluding chapters General Deane summarizes his conclusions under the general heading "Can we get along with Russia?" (to which question he gives a sharply qualified affirmative answer), but even without these chapters the detailed evidence which he presents in his main narrative carries its own moral within itself.

For the historian, still deprived of much in the way of available documentation, there are many passages of the book which will be of great value. For the general reader, however, and for the student principally interested in understanding the current situation it is reasonable to assume that the most significant feature of the book will be the constant recurrence to the theme that even the dealings of an ally with the Soviet Union could only be conducted at arm's length, with infinite patience, and in the face of ineradicable suspicion, if not of hostility. By itself it is, perhaps, of little importance, yet surely it is of deep symbolic significance that Gen-

eral Deane reports that: "In the two years I was in Russia I had close contacts with officials of a great many branches of the Government. I was not invited to the home of any one of them."

Like other commentators on the Moscow scene, General Deane at the end of a year came to the conclusion that the Soviet authorities wanted to have as little as possible to do with foreigners, viewed all requests or proposals with suspicion, and had no store of gratitude which lasted beyond the immediate transaction in hand. At that time it was his recommendation to the Chief of Staff that where American aid did not directly contribute to the winning of the war, it should be based upon a tough *quid pro quo* foundation. At the end of his two years in Moscow he emerges with the conclusion that Russia desired as far as possible to play a lone hand: "Under these circumstances it was clear that nothing much could come of a partnership in which one of the principals was not only reluctant, but proficient in sabotaging its effectiveness." The "strange alliance" was an alliance against a common enemy; the breaking out of peace disclosed the lack of any other identity of purpose.

Harvard University

Rupert Emerson

LEWIS MERIAM: *Relief and Social Security*. (Washington, D. C., The Brookings Institution, 1946, pp., 912, \$5.00.)

Lewis Meriam's book, *Relief and Social Security*, recalls unpleasant but highly significant memories. Few Americans exist who do not believe that the depression of the thirties made relief and social security a major and permanent function of government. Present inflationary pressures make many of us wonder if we are not again, within a relatively short time, to face depressional budgetary claims. It therefore seems pertinent that Mr. Meriam's book seeks an answer to "How can the United States develop a universal, comprehensive, and co-ordinated system of social security that will relieve or prevent want at a cost which the nation can afford, without seriously interfering with the American way of life?" Its prime value is likely to accrue to the policy maker who should find it invaluable in both retrospective and prospective view. It has great secondary importance as an authoritative reference in the field of social security.

Nine hundred pages are required to answer the posed question. Historical recital may cause the readers interest to lag in spots but in general and in spite of its volume the work is well rationalized and thought-provoking. The book is divided into three parts. Part I is largely descriptive and is concerned with the now existing major American programs in the field of relief and social security as well as several programs, now abolished, that were developed to meet the difficulties of the thirties. Special emphasis is placed on those features of the program that present issues

of public policy. Highlighted is the present chaotic condition of the United States security program. Challenging weaknesses of the American System are universal coverage, comprehensiveness, and coordination.

Part II describes the proposed Social Security Program of Great Britain, as contained in the *Beveridge Report*, as well as the workings of the New Zealand System. The author indicates that either plan, with minor modifications, might serve as a model for the American effort—and this without violence to any of our basic institutions. The plans are used as a background for appraisal of past United States relief and security efforts as well as indices of future action.

Part III is the heart of the book. Parts I and II are preparatory and disclose a host of questions needing answers. In Part III these are summarized in nineteen major questions, each treated in a separate chapter, and grouped under three main headings—social problems, cost problems, and administrative problems. The reason for the book lies in the answers to these questions. Breadth of knowledge and practicalness of approach characterize response to such questions as “what is the nature of need,” “what is the proper size of benefits,” “what methods of financing should be adopted,” “are reserves necessary in social insurance,” “who should administer the security and relief program,” and “how shall the costs be distributed among levels of government.”

The last chapter of the book is a “readers digest” of conclusions. The author brings together his points in a strongly integrated manner. Fundamental concepts of democratic government become the form into which is poured the cement of conclusion. The structure stands well formed. In the author's words, “the conclusions are evolutionary rather than revolutionary and are designed to give protection against want within the framework of the American system as we conceive it.” This seems really to be the synthesis of the whole book—a meticulous coverage of relief efforts in the United States—coupled with the British and New Zealand Systems to give the broad background of experience. Mix the ideal with this experience and you have Mr. Meriam's book—a highly practical answer to an all-important question.

Texas A. and M. College

C. Wilson Randle

ALEXANDER BAYKOV: *The Development of the Soviet Economic System*. (New York, The Macmillan Company, 1947, pp., xv, 514, \$6.00.)

This timely and scholarly study by Dr. Baykov, an emigré from the Soviet Union since 1920 and at present a lecturer at Birmingham University, England, constitutes a veritable gold mine of data and statistics pertaining to the Soviet Union, of interest not only to the economist, but to other social scientists as well. His penetrating and comprehensive analysis of the Soviet experiment in state planning during its first third of a cen-

ture meets a real need for those who would know more about the developmental processes by which the transition from a capitalist to a thoroughgoing socialist state has been made.

The author divides his study into four sections in accordance with the four definite stages in the development of the Soviet economy: (1) the period of transition and war communism; (2) the period of the New Economic Policy, which was designed to restore the productive capacity of the nation's economy and to secure the predominance of the socialized sector; (3) the period of extensive industrialization, the collectivization of agriculture, and rationing, through the institution of the first of the Five Year Plans; and (4) the period of the abolition of rationing and the intensive effort to strengthen the Soviet economy up to the outbreak of World War II.

Baykov's objective, factual treatment of a subject which, in its many ramifications, too often has lent itself to the extremes of unbridled panegyrics and complete derogation, is refreshing. In the preparation of this work he has relied exclusively upon sources published in the U.S.S.R. which, he is "convinced," are no "less reliable than those published in other countries," a conviction by no means universally held. Be that as it may, the fact that most social scientists in the United States find these Soviet publications difficult to procure and usually impossible to utilize because of the language factor adds to the value of Baykov's contribution.

The volume is replete with tables and contains copious excerpts from the relevant Soviet statutes which enhance the utility of the study. Dr. Baykov's work is a "must" for the social scientist whose primary concern is the Soviet Union or other states in which comparable processes are now in operation; it is a volume which the layman, too, can use with benefit.

The University of Texas

Donald M. Castleberry

MILTON R. KONVITZ: *The Constitution and Civil Rights*. (New York, Columbia University Press, 1947, pp., xii, 254, \$3.00.)

The widespread and continuing interest in civil rights and liberties in our country is a most hopeful sign in this day of world-wide attack upon them. The present volume, however, deals not with the whole field, but rather with one specialized phase. Dr. Konvitz draws a sharp distinction between civil liberties, such as are found in the first amendment, and civil rights, which he defines as rights to equality of treatment in places of public resort and accommodation. The unique value of his book is that it deals with a problem which has been too much neglected as compared with questions of freedom of speech and press, on which there is a considerable literature.

Dr. Konvitz begins with the civil rights acts passed during and after the Civil War, both before and after the Fourteenth Amendment. He

deploras the extremely narrow interpretation which the Supreme Court early gave to the privileges and immunities clause, and to what it has pretty consistently adhered ever since. However, he sees hopeful signs in the recent expansion of the due processes clause. Noticing the negative language of the Amendment, and its specific applications to states only, he believes the Court may in time come to hold that the failure of a state to afford adequate protection to the rights of Negroes may be considered a violation of the Amendment. On such a line of reasoning he contends that a federal anti-lynching law could be sustained.

The author also considers in some detail state laws dealing with the problem. There is a rather surprising volume of such legislation, but its effectiveness to date leaves much to be desired, despite the fact that its constitutionality has almost invariably been upheld. The example of the federal war-time Fair Employment Practice Committee has stimulated a number of recent laws prohibiting discrimination in employment and also in trade union membership on the basis of race, creed, or national origin. One hopeful sign with respect to such laws is that in several recent cases states have set up special commissions with the positive duty of enforcing such rights.

Dr. Konvitz has performed a useful, if painful task, in pointing out our deficiencies at a time when we are trying to convince the world of the virtues of our democracy. Not the least valuable phase of this book is an extensive appendix, in which are brought together the various laws bearing on the subject.

University of Oklahoma

J. H. Leek

EDWARD J. FLYNN: *You're The Boss*. (New York, The Viking Press, 1947, pp., 244, \$3.00.)

This is really the political autobiography of the man who has ruled New York's Bronx for the last twenty-five years. The author with much candor tells who wins elections, how the spoils system works, who makes and breaks political candidates, and why political machines fail. Many interesting stories are told about Charles F. Murphy and his successors, and revealing details are given on recent Democratic National Conventions and presidential elections.

President Franklin D. Roosevelt was a good friend of Edward J. Flynn, but the author apparently is able to push aside much of his affection for the man and appraise him as a politician. The Roosevelt-Smith break, the Roosevelt-Farley rupture, why Wallace became Vice-President, and how La Guardia became mayor are all treated in a very frank and above-board fashion. Leading figures of the Roosevelt Administration like Harry Hopkins, Louis Howe, Mrs. Roosevelt, and Flynn himself are all permitted to appear upon the stage in what appears to be their true characters. He

speaks of Roosevelt as having a sixth sense which enabled him to do the right thing at the right time. The author's realism and his candidness of expression enable him to present a very interesting story to the reader.

The book begins and ends on the note that bosses are inevitable under our system of government, but whether they are good or bad will depend upon all of us being citizens three hundred and sixty-five days a year.

While the volume is addressed to the reader because he is the boss, one cannot help but wonder after an examination of the pages if this is the correct dedication. In this world of realism, what are the voter's privileges? It takes a political machine to successfully combat another political machine. Building such a machine requires time, funds, and know-how. While the voter may ultimately cure a bad situation, he frequently does not have the tools at his command with which to do it.

The author makes a contribution to the literature on political machines in his intimate description of the organization and operation of the Democratic party in the Bronx. He clearly and comprehensively states many of the rules for success in politics. Success in politics being defined as the ability to be elected to public office and to remain there.

The University of Texas

Stuart A. MacCorkle

CARLE C. ZIMMERMAN: *Family and Civilization*. (New York, Harper & Brothers, 1947, pp., 829, \$4.50.)

Although this book has been published as a text for courses in the family, it follows a much different approach from that customarily used. It might best be described as a study in the social change of the family in Western civilization since the beginning of history. Concentrating on the family in the Western world, Zimmerman makes a comprehensive and detailed analysis of the family going through a series of extremes in the Greek, Roman, and modern civilizations. He attempts to tell the cause of these movements and their relationship to other changes in society. It is obvious, therefore, that to use this book as the principal text is impossible for the traditional course in the family.

In *Family and Civilization* the author points out the difficulties and confusion that one encounters in trying to understand the institution of the family in Western civilization by studying the institution among preliterate and Oriental cultures. Feeling that the study of the family in other civilizations does not further the understanding of the institution in ours, Zimmerman limits his analysis to the family of Western civilization. Many sociologists will tend to criticize this viewpoint because of the implication that the culture and institutions of the Western world may be considered as completely independent, even of the societies with which there has been considerable intercourse.

Apparently influenced to a great extent by Sorokin and his three "ideal

types" of societies (idealistic, ideational, and sensate), Zimmerman has constructed three polar types of the family which are basic to his analysis.

1. The *trustee* family has the most power and the greatest amount of social control. "The living members are not *the* family, but merely 'trustees' of its blood, rights . . . for their lifetime."
2. The *atomistic* family has the least power. The individual is largely free of family bonds, and the state becomes largely an organization of individuals.
3. "The *domestic* family is a middle type, arising out of modifications of the trustee family or being revived by governmental or religious sanctions from the atomistic type. The domestic family is the most common type in this world."

After these prefatory chapters, most of the book is given over to tracing the family through the three successive types (trustee, domestic, and atomistic) in the Greek, Roman, and modern civilizations. Finding each of the three types of the family in each civilization, an attempt is made to show the causal phenomena associated with each type and the effect of the family on the rest of the culture. The book is concluded with an effort to indicate what the future holds for the institution of the family in our society.

This analysis of Zimmerman's is open to the old criticism of developing a theory and then finding data to support it. Still, the study will probably be considered his major contribution to the social sciences.

For an advanced course the book might be useful as a text. It might best be used to supplement another text, but it is a book that every student of the family should be familiar.

University of Mississippi

John C. Belcher

VICTOR W. VON HAGEN: *Maya Explorer; John Lloyd Stephens and the Lost Cities of Central America and Yucatan*. (Norman, University of Oklahoma Press, 1947, pp., xviii, 326, \$5.00.)

Mr. Von Hagen has recreated the flavor of the fabulous adventures of his hero, John Lloyd Stephens, in the rediscovery of the archeological treasures of Central America and Yucatan. The volume is more than an account of the rediscovery of Mayan ruins; it is the life history of Stephens, from his birth in Shrewsbury, New Jersey, in 1805 to his death in New York in 1852, a victim of malaria propagated in the tropics. After completing his bachelor's degree at Columbia University in 1822 and dabbling in politics under the guise of practicing law, Mr. Stephens began his essentially dilettante travelling in Western Europe and the Near East. His affable literary style and graceful combination of vivid imagery and earthy humor gathered hosts of readers in the United States and abroad

so that he became one of the earliest of the internationally read American authors. In a sense, he was the Ernie Pyle of his day.

After becoming a literary lion, Mr. Stephens, accompanied by Frederick Catherwood, an English architect, began the rediscovery of the Mayan ruins of Central America and Yucatan. The Spanish conquistadores had made extensive reports of their Maya archeological findings, but their mis-sives had remained mouldering in the archives while the existence of the ruins was unknown to Western Europe and America. The brilliant and exciting descriptions made by Stephens enkindled the imaginations of travellers and scholars so that eventually much knowledge on the Maya civilization could be gathered. Dr. S. G. Morley's definitive work on the subject could, in a sense, be said to grow out of the enthusiasms aroused by Stephen's colorful prose.

After his Maya explorations, Stephens returned to New York and national politics. He became the vice-president and later the president and prime mover in the Panama Railroad Company, which first successfully bridged the isthmus of Panama.

Mr. Von Hagen has obviously done extensive research on the life of his subject. He has wisely illuminated his own prose with a considerable number of apt and entertaining quotations from the writings of Stephens. The text is further embellished by the illustrations, some of which are modern photographs of the places described and many more of which are reproductions of the drawings of Catherwood, which have captured the spirit of the original Maya structures with more success than many more modern reproductive methods. Mr. Von Hagen has included a useful chronology of the life of Stephens, and an extensive classified bibliography.

The University of Texas

Edward G. Lewis

KENNETH C. MACKAY: *The Progressive Movement of 1924*. (New York, Columbia University Press, 1947, pp., 298, \$3.75.)

This book is a valuable contribution to the history of recent American politics. It will be welcome especially to teachers of contemporary American history and political science.

Some of the aims of the study are: "To learn more about these Progressives of 1924, to discover what had brought them together, to appraise the contributions they made, to seek the reasons for the rapid dissolution of their party machinery after Election Day," and to make a "detailed analysis of the campaign and election problems which beset the Progressives of 1924." If the author has not met all these objectives definitively, he has done splendid spade work in describing the role played by the Conference for Progressive Political Action and by the La Follette followers of 1924. He has gathered much of his material from important

collections such as those of Morris Hillquit, Oswald S. Villard, Thomas J. Walsh, and Mercer Johnson, and he has carried on numerous interviews with men and women who participated in the La Follette movement. But such significant sources as the La Follette manuscripts, not yet available to historical scholarship, will undoubtedly throw new light on the campaign. In some instances the author perhaps relies too heavily on contemporary popular articles to the neglect of studies in scholarly journals.

The La Follette campaign, representing a formal alliance of organized labor, farmers, and socialists, is unique in American politics. The author studies the campaign role played by each of these oft-paradoxical groups evaluating their contributions and assessing their short comings in vote-getting ability. He explains labor's part more clearly than he does the farmer's. Railroad unions initiated and dominated the movement, and the American Federation of Labor, forsaking its policy of non-partisan political action, endorsed the candidacies of La Follette and Wheeler. Thus, it appeared that the long heralded independent farmer-labor party was in the making. In the end, however, labor's support was luke-warm and the farmers gave La Follette most of his votes. In the East, labor's commitments to politicians of the old parties were too great to make a clean break.

The first chapter treats of general progressivism, with distinctions between the old movement and that of 1924. The author emphasizes that a "long thread of continuity reaches down through the years from the Liberal Republicans, the Greenbackers, the Populists and the Bull Moosers, the Progressives of 1924 to the days of the New Deal." The next two chapters review the growth of agrarian and labor discontent under Republican leadership in the early 1920's. Three chapters follow on the Republican and Democrat conventions, the organization of the La Follette movement, and the Progressive convention. Four chapters are devoted to the campaign. The final chapter shows the influence of the 1924 Progressives on New Deal policy and measures, and analyzes the significance of third parties in American politics. In this treatment of the failure of the La Follette party may be found numerous causes for the failure of liberalism in the 1920's, and of reform and third party movements in any decade.

As a whole the book is crammed full of interesting information relating to parties, politics, and economic conditions in the early 1920's. Some of the background material taken from secondary sources might well have been condensed. The author, eloquent at times when condemning the course of events in the twenties, writes the story in a lively manner. Involved sentence structure, cropping up occasionally, does not keep the book from being readable throughout.

University of Virginia

Edward Younger

EMMETTE S. REDFORD: *Field Administration of Wartime Rationing*. (Washington, U. S. Government Printing Office, 1947, Historical Reports on War Administration: Office of Price Administration. General Publication No. 4, pp., xi, 196, \$0.40.)

Professor Redford's study is a notable product of the war history program of the Federal Government. It well illustrates the standards of objectivity, reliability, and readability followed in the series of studies on the Office of Price Administration, which have been prepared under the general supervision of Dr. Harvey C. Mansfield. Together with Carroll K. Shaw's *Field Organization and Administration of the War Production Board and Predecessor Agencies*, it gives a more intimate and realistic picture of Federal field administration than has hitherto been available. The study should incidentally call social scientists' attention to the usefulness and bargain prices of many government publications.

OPA had three major programs: price, rationing, and rent control. In addition to the "departments" corresponding to these programs, OPA had separate organization units for the legal, informational, administrative, and accounting work. As with any multifunctional, multi-unit Federal agency, OPA had the problem of bringing these specialties to a focus for particular areas of the country and for particular trade and industrial groups. Redford's study is addressed to the former of these problems of focus. However, the study concentrates almost entirely on the rationing department and its projection to the regional, district, and community levels. It is regrettable that we have no study of OPA field administration as a whole, but, lacking that, Redford's analysis can be accepted as a balanced, reliable account of a major phase of OPA's field service. While this account is devoted primarily to the rationing department, there is no inclination to give heroic stature to that department or to discount the viewpoints of non-rationing units.

From the methodological standpoint, Redford's study has the interesting feature of being based almost wholly on first, his own experience in the OPA Dallas Regional Office and as Assistant Deputy Administrator for Rationing; second, his interviews with operating officials in Washington and Boston; third, the critical review of his manuscript by informed officials. When he conducted his research "the historical records had not at the time been assembled and sorted." The reviewer is impressed that such a competent job could be done with such incomplete access to the records. What may have been lost in comprehensiveness and accuracy of detail has been well compensated for by the concentration on broad description and careful analysis and evaluation.

Among the important questions of field administration on which the book casts light are: the use of state governments as agents of the Federal Government for administrative and regulatory tasks; the use and super-

vision of local boards composed of unpaid citizens; the use of volunteer citizens for clerical and other administrative work; the effect of early organizational patterns in prejudicing the success of later, less imperfect organizational patterns; the rival communication and command channels of, on the one hand, general administrators, and on the other, the specialists on commodities and substantive programs; the maintenance of morale and discipline among field officials far removed from the center of policy and authority; the techniques of effective communication, procedural improvement, and staffing; and the delegation of discretionary authority to field officials and local boards.

Professor Redford's study will be of importance for students of war-time administration, whether they have the backward look of historians or the forward look of planners of economic mobilization for future national emergencies. Its most direct value is perhaps for students of Federal field administration, for the wartime and peacetime problems in this area are not dissimilar. Finally, the economist interested in allocation and rationing of the nation's resources will profit from an understanding of the administrative implications of such a program; among these administrative implications none is more significant than the task of carrying the program through an efficient field service to individual citizens in their own communities.

University of North Carolina

James W. Fesler

WILLIAM SEAGLE: *Men of Law*. (New York, The Macmillan Company, 1947, pp., 391, \$5.00.)

This book is a useful series of fifteen biographical essays on distinguished legal figures from Hammurabi to Holmes. If the author's aim was the presentation of a vitalized picture of his subjects, he has eminently succeeded in his task. Each figure is treated with a broadness of touch and genuine humanism which makes the reader feel that he knows and understands the person described. Serious scholars will find little that is new in the basic facts presented and some will disagree with the author's evaluations but to the layman the book is a readable, and for his purposes an accurate, description of the personalities who have moulded the legal thought and theory of the West. The work is of special value to the pre-legal, and even the legal student, for it blows a refreshing breath of personality through the otherwise dry leaves of legal history. In addition the book as a whole presents a chronological picture of Western legal development serving thus to remind the reader not only of the importance of individuals in the development of our law but also of the duration of our legal evolution and the remarkable continuity which has pervaded it.

The University of Texas

H. Malcolm Macdonald

BENJAMIN FINE: *Our Children Are Cheated: The Crisis in American Education*. (New York, Henry Holt & Company, 1947, pp., 287, \$3.00.)

Benjamin Fine's *Our Children Are Cheated* is probably the most effective piece of propaganda for better schools that has been published in recent years. The author, education editor of the *New York Times*, a former teacher born and bred in New York City, has tackled his problem in the very manner to be expected from an experienced newspaper man—the facts are slanted to attract his reading public. This is both the book's chief virtue and most serious fault.

The final chapter of recommendations presents nothing new—nothing that hasn't appeared in print many times. In fact, it reads very much like a publication of the Office of Education or National Education Association. What alert professional educator hasn't been talking about: greater financial support of public schools, salary increases, higher requirements and standards of the teaching profession, federal aid to education, single-salary schedules, better working conditions, tenure and retirement laws, elimination of community restrictions and meddling, improvement of teacher-training institutions, in school facilities, in rural schools, introduction of modern teaching methods, greater teacher participation in school programs, a better recruitment program, greater public interest in schools, equalizing opportunities for Negro students, better health programs, and expansion of higher education facilities.

Everyone of these recommendations have been cussed and discussed for lo these many years. Benjamin Fine brings us nothing new. Yet, coming from a newspaper man, one trained to express himself in direct, short and simple language, *Our Children Are Cheated* serves well to draw attention to the low and disgraceful status in which American schools now find themselves.

Fine is quite monotonous in his presentation, frequently repeating the same statement in several places. Master of the journalistic "lead sentence" technique, there is nothing in Chapter I that does not crop up somewhere else in the book. For busy readers who like to get the thought and its organization quickly, the first and final chapters give a brief version of the entire book. However, this is not to say that the rest of the book isn't worthwhile reading. It certainly is—and the message is a vital one.

The author uses a newspaper technique of quoting educators from all over the nation. Readers having a reasonably broad acquaintanceship in educational circles may get a personal "feel" from these extensive quotations. Even the little man in the profession is not overlooked though seldom mentioned by name—to be quoted a name has to carry a certain amount of prestige. All in all, this extensive use of quotations proves very effective.

Where Benjamin Fine falls down so badly is that his picture of the

schools so frequently fails to go below the surface. To prove a point he reports a gripe or so—then considers he has the situation well in hand. For example, his visits to the San Francisco and Detroit school systems (with which this reviewer is intimately familiar) failed to show the impending blow-up that caused (since publication of this book) the discharge of a superintendent who tried to introduce progressive education into the western city or a major reason for Detroit's present low morale in its teaching staff as being due to school board and main office politics.

Despite a certain degree of monotonous repetition and frequent instances of superficiality, *Our Children Are Being Cheated* is well worth the time it takes to read it. Like Upton Sinclair's *The Jungle*, it is the type of book designed to create a demand for reform—except, unfortunately, people apparently are more concerned with the quality of the meat they eat than with the education of the nation's children. Benjamin Fine has not written a masterpiece, but he deserves congratulations upon having given to the general public a thought-provoking volume.

Southwestern University

Carroll Atkinson

E. T. HILLER: *Social Relations and Structures: A Study in the Principles of Sociology*. (New York, Harper and Brothers, 1947, pp., viii, 692, \$4.50.)

In the Preface to *Social Relations and Structures*, Professor Hiller writes:

Because by accepted departmental specialization sociology is concerned with human relations, principles of sociology necessarily deal with the content, forms, organization, and enforcement of the relations among the members of a society. To the extent that social relations become stabilized, they constitute what is variously called structures, institutions, groups, social order, and organization. Accordingly, the title of this volume is intended to aid the student in directing his thinking toward the central theme of sociology.

It is the "central theme of sociology" as thus conceived with which this book deals. In fact the treatise is so closely confined to this scope that it leaves out many things that are generally considered essential in an introduction to sociology. The field is thus less well-covered than in Professor Hiller's former treatise, *Principles of Sociology*.

What Professor Hiller has done here, however, he has done extremely well. *Social Relations and Structures* proves to be a very human document, but I suspect that is what sociology is supposed to be—human.

In Parts II-VI the author discusses "The Cultural Basis of Society," "Elements of Social Relations," "Valuation of the Person," "Organization of Social Relations: Institutions, Groups, Societies," and "The Structure of Society: Statuses."

In his treatment of the cultural basis of society, he considers the meaning, forms, and organization of culture. The elements of social relations are outlined as being made up of social actions, insight, sympathy, and various types of personal identification; relations of mutual aid, utility mediated relations, and commodity mediated relations. These are positive, "associative," forces, while others are "dissociative." The dissociative elements are aversion, enmity, depredation, rivalry, domination, strangeness, and the conflict of impersonal ideas.

There are two types of valuation of the person: intrinsic, and extrinsic. Intrinsic valuations "refer to the respect, accountability, and inviolability with which our mores invest each person. These are intrinsic because and to the extent that they are inseparable from the person." Extrinsic valuations refer to the estimates of the person based on "the categories occupied" by him, "the utilities observed," "the objects and other possessions controlled," and "the values promoted."

Such a recital of topics considered gives no hint of the human qualities of the document mentioned above. These qualities are demonstrated, of all things, not only in the tone of the writing but in "study helps" at the close of each chapter, which gear into the subject matter in hand better than any I have seen before.

The book, to my way of thinking, however, has one serious weakness. Out and out it is a work in "social statics," to use a term at least as old as August Comte. It is "society viewed in the axis of space" without considering it in the "axis of time." The "still picture view" is vivid enough; but where is the "moving picture view?"

Students need to be introduced to concepts of structure and relations, of course; but do they not also need to be referred to the idea of social change and the processes of change as being equally basic? It is true that Hiller closes with the idea of the time element in society in his discussion of social continuity; but change in time ought to be presented in any introductory sociology.

In spite of this and other omissions suggested at the beginning, I should like to try this book out in one half of the introductory course in sociology. It does a job that very much needs doing.

Texas Christian University

Austin L. Porterfield

DAVID ROUSSET: *The Other Kingdom*. (New York, Reynal and Hitchcock, 1947, pp., 173, \$2.75.)

SEWERYNA SZMAGLEWSKA: *Smoke Over Birkenau*. (New York, Henry Holt & Co., 1947, pp., viii, 386, \$3.50.)

Many millions of Americans think they know what war is. Perhaps they do—as sons or grandsons of Europe, as kith or kin of those who have

died or been maimed in war, or as soldiers, warworkers, or just as civilians who have lived through some mighty uncomfortable times. But, here are two sober documents of war's hell in the archetype, a story few Americans—even those who have actually been interned as military prisoners or those who have walked through the death grey wreckage of a Buckenwald, Dachau, or Wöbbelin—know. To consider these books as contributions to penology is not enough; they are chronicles of war in the twentieth century.

The appearance of two participant observer accounts of the world of German concentration camps almost at once makes possible comparisons emphasizing both system and uniqueness. If this calls for crude judgment as to which is the better book, the answer is not easy. The Rousset volume blurbed as:

“a brief sociological report on the world of concentration camps . . . a Middletown of death, sadism, homosexuality and cannibalism,” turns out to be an interpretative prose poem—or to rely upon the judgment of Ramon Guthrie in the preface,

“Something between a prose poem and an essay, a genre that has plenty of antecedents in French literature but so few in English that American readers may find it baffling at first sight.”

It is a story of what being a “concentrationee” means to a human being. No Middletown was ever like this. This is an Endtown saga. Szmaglewska's story is infinitely more: it is a beautifully written “straight” reporting job on the plan and minutia of concentration camp organization—and through the eyes of one of them, this almost unbelievable world of the damned. Then too, it was written with memory of the crematory fires of Birkenau, the epitome of Oswiecim (Auschwitz). Rousset went through enough, but there probably was no other Oswiecim—a place where to Szmaglewska's reckoning about *five million* people died in a half decade. There are almost no parallels for *Smoke Over Birkenau*. Even to one who has lived in prison and made a diet of prisoner's own stories, only Victor Nelson's *Prison Days and Nights* and Rene Belbenoit's *Dry Guillotine* and *Hell On Trial* in the modern literature approach it.

Both books underscore the first proposition of a sociology: man nowhere lives in anarchy—given continued association, life somehow is made predictable in terms of conventions. Certainly if it could not be done under the conditions of demoralization and despair of a Birkenau in a system designed for human extermination, there is absolutely nowhere that burdening crisis and superimposed authority can fracture a folk into totally emancipated individuals. Here, as in any other prison or perhaps among any legion of the damned, the *inside* was “organized.” Indeed, this was the very word in Birkenau and it developed its own peculiar connotations somewhat as the verb “liberate” did for American troops—especially beyond Remagen. Either testament documents this, but nowhere

is it clearer than in Szmaglewska's "The Humor of Chief Efinger." Further, this strain for orderliness bred status differentiations—many on-the-spot mutations, some derived. There is Szmaglewska's story of the techniques used by former convicts for separating sheep from goats and for "organizing" meaningful property and positions as minor functionaries. There are the accounts of both writers on the ingroup allegiances and protections (there is ever the power of the manherder and informer) which developed. In most prisons simple security is the first goal; in this world—even more than in Belbenoit's Devil's Island—security meant staying alive just another day.

In both accounts there is looking back to antebellum life; looking ahead to shores dimly seen. The latter is more complete in the Rousset book, but the incidental insights of Szmaglewska and the interpretations she is able to draw from her readers themselves are even deeper sketched.

Oklahoma A. and M. College

Paul B. Foreman

Fathers of the Church: Apostolic Fathers—A New Translation. (New York, Cima Publishing Co., 1947, pp., 401, \$4.50.)

Documents of the Christian Church. (Edited by Henry Bettenson), (New York, Oxford University Press, pp., 457, 1947, \$1.75.)

The first of these works, *Fathers of the Church: Apostolic Fathers*, is the initial publication in a proposed 72 volume series. Under the editorial direction of Dr. Ludwig Schopp a group of American Roman Catholic Scholars hope to produce new translations of the writings of the Fathers of the Church commencing with the Apostolic Fathers and coming down to Gregory and Martin of Tours. When completed this series, if the first volume is a criterion, will bear eloquent tribute to American scholarship and make conveniently available at moderate price the great traditional writings of the Christian faith. The first published volume contains, amongst others, the writings of St. Clement of Rome, St. Ignatius of Antioch, St. Polycarp and the letter of Barnabas. The translation in all cases has been done with commendable care and the introductory notes to each section, although somewhat brief, are most useful to the reader.

The primary value of this publication is of course to theologians and students of church doctrine and history but the series will also prove an aid to historians in general and also to political scientists concerned with early Christian and medieval doctrinal development. The directors of the Cima Publishing Company deserve the appreciation of the scholarly community for undertaking the publication of so momentous a series at this time.

The Documents of the Christian Church edited by Henry Bettenson, is a work of another type. Originally published as part of the World

Classics Series it has now been reprinted in the United States in the Galaxy Edition by the Oxford University Press. Here we have assembled a convenient collection of pertinent church documents from classic times to the middle of the twentieth century. This reviewer knows of no better collection and the editorial discernment which has gone into the make up of the book is of the highest order. Here again historians and political theorists will welcome the appearance in compact and reasonably priced form of a book of distinct usefulness for class room work where the problem of easily bringing before the student the basic documents dealing with the relations between Church and State and the development of doctrinal controversy has long proved almost insurmountable. From many points of view the publication of an American Edition of this book constitutes a distinguished, useful and long needed contribution to the study of Church history, theory and conflict.

The University of Texas

H. Malcolm Macdonald

The Commission on Freedom of the Press: *A Free and Responsible Press*. (Chicago, University of Chicago Press, 1947, pp., 139, \$2.00.)

Unless those few men who own the American press and other media of mass communication acquire a fuller sense of their responsibility to the American public, there is a danger of government control of the press which will end freedom of the press. Once Henry R. Luce and Robert M. Hutchins reached agreement on this point, it was not long before Time, Inc., granted \$200,000 to finance a study concerning the present state and future prospects of freedom of the press. Hutchins headed the Commission and personally selected the dozen other members of the Commission—all distinguished intellectuals. The Commission held 17 two-or three-day meetings and listened to the testimony of numbers of persons connected with the press and studied documents prepared by their own members. The term "press" came to be used by the Commission to refer to all media of mass communication—newspapers, radios, motion pictures, magazines, and books.

The results of the Commission's activities have taken the form of six lengthy, specialized studies plus this 106-page essay entitled *A Free and Responsible Press*. The term "essay" is used to designate the brevity of the report and to indicate that it is relatively free from footnotes, bibliography, and other standard academic paraphernalia. The essay includes only enough factual material to make the Commission's conclusions understandable. Readers who wish more factual material are referred to the Commission's six more specialized studies.

The book begins with a discussion of the requirements that society has a right to exact from its press. To explain the conditions under which these requirements must operate, a chapter describes the continuing tech-

nological revolution which has made possible the dissemination of more and more information or misinformation to the average individual. A result of this revolution is to place the control and ownership of these media of mass communication in the hands of a very few individuals. There follows an evaluation of the performance of the press in terms of the requirements set up and an examination of the efforts at self-regulation. The final chapter recommends what can be done to improve the performance of the press. The possible improvements may be brought about by the press itself, the government, and the public. The role assigned to government is minor because of the fundamental belief that freedom of the press means chiefly freedom from government.

Little that the Commission has to say is new; however, they set forth several important ideas more succinctly and clearly than they have ever been stated before. Nor are the Commission's recommendations startling or revolutionary. As Hutchins says in the introduction, "the most surprising thing about them [the Commission's recommendations] is that nothing more surprising could be proposed." Moreover, some of the recommendations seemed highly unlikely of acceptance. For instance, universities are urged to give their students of journalism the best and broadest type of liberal education, not merely trade school training in journalism. Yet a well trained graduate will fare poorly if the publisher who employs him is a business man who has made his fortune in some other line of business and then acquired a newspaper without acquiring any standards of journalism other than that the publishing venture should produce a profit. Our graduate will have a harder time still if the publisher is in addition a pompous, stubborn old fool, 100 per cent certain of the correctness of his own views and determined to inject them into all news stories.

Yet even if this hypothetical publisher fails to read *A Free and Responsible Press* and be converted by its persuasive logic, this essay will remain the logical starting place for anyone who wishes to think seriously on the problem of keeping the press both free and responsible.

University of Alabama

Donald S. Strong

WILLIAM H. SCHRAMPFER: *The Law of Business*. (New York, Rinehart & Company, 1947, pp., 679, \$4.50.)

"This volume is designed for courses in which a comprehensive coverage of business law is desired within a limited period of time," as stated by the author in his first sentence of the Preface. In keeping with his avowed purpose, Mr. Schrampfier discusses eight basic fields of business law, contracts, agency, negotiable instruments, suretyship and insurance, personal property (including therein sales, bailments, liens, pledges, mortgages, etc.), real property, business organizations (partnerships and cor-

porations), and bankruptcy and relief of debtors. In a volume of this size (679 pages, including introduction into the study of law and appendix), it becomes readily apparent that a broad coverage of law at best must be brief. In many instances it contains little more than an outline of some of the more important problems involved. This is particularly applicable to the sections on agency, suretyship and insurance, real property, business organizations and bankruptcy. Mr. Schramper, however, devotes a major portion of his work to the fields of law emphasized in most first-year business law courses—contracts, negotiable instruments, and personal property, which, though brief, contains an adequate discussion of problems generally presented in business law texts.

The outstanding attributes of this text are its exceptional organization, and its straightforward manner of approach in clear, simple language which every student should be capable of understanding. The author conscientiously avoided the use of unnecessary legal terminology which confuses more frequently than it instructs. He has also included a great number of questions and problems for discussion. There is little attempt, however, to analyze and explain—only the bare statements of concepts of law as pronounced by courts and statute.

The desirability of adoption of this book as a text will depend entirely upon the curriculum and teaching methods of individual institutions. For those who prefer the case method rather than the lecture or text method of instruction, this book would not be suitable. It is not a case book, though it does contain a great number of cases to illustrate the textual material. The cases are greatly abridged and do not permit the use of the case method. Its brevity also renders it unsatisfactory for those schools who present a more detailed study of a few fields of law rather than a brief consideration of a more comprehensive field, as well as those institutions whose curriculum permit sufficient time for both detailed study and comprehensive coverage. Mr. Schramper, in accomplishing the purpose of his volume, also imposed limitations to its adoption in a great many institutions.

The University of Texas

William R. Bandy

Committee on the Model State Plan: (Sam A. Lewisohn, Chairman), *Manual of Suggested Standards for a State Correctional System*. (New York, American Prison Association, 1946, pp., 82, \$1.00.)

Seventeen criminologists and penal administrators including Harry Elmer Barnes, Sanford Bates, James V. Bennett, Charles L. Chute, Lewis E. Lawes, Austin M. McCormick, and Thorsten Sellin have in this loose-leaf manual boiled down principles of penal administration

“representative of the most progressive thinking of recent years as

enunciated by the American Prison Association, its affiliated organizations, and other reputable leaders and agencies in the correctional field."

The monograph, dealing only with institutions for adult offenders, is presented in response to the

"many requests on the part of governors of the various states, correctional officials, official survey commissions, legislative and civil bodies, and others . . . to the American Prison Association for a concise statement of the best penological thought concerning the organization and functioning of a state correctional system."

The loose-leaf form is designed to permit revision and the inclusion of additional chapters. In present form the publication contains fourteen sections on a state correctional system, one on jails, and a final declaration of principles—the standards adopted by the 1870 Congress of the American Prison Association as revised and reaffirmed in the Association's sixtieth annual Congress in 1930.

Slightly more than half of this copy is devoted to prison employment, library service, discipline, parole, and to jails. But the shorter sections, particularly concerning central administration, diversification, personnel, and classification, are because they are incisive just as thorough and thought-provoking.

The manual richly deserves being brought to the attention of Southwestern administrators and legislators, of public administration research and service workers, and of the interested public generally. For teachers of criminology it provides a unified, up-to-date critique which can give new dimensions to the history-ridden penological accounts of currently popular text materials.

Oklahoma A. and M. College

Paul B. Foreman

RUHL J. BARTLETT: (Editor) *The Record of American Diplomacy*. (New York, Alfred A. Knopf, 1947, pp., xx, 731.)

Teachers, students, and general readers in the field of American diplomacy will find extremely helpful this collection of documents and readings. From the enormous quantity of material bearing upon this subject the editor has selected with fine discrimination somewhat more than three hundred items to reveal and illustrate the main currents of American foreign relations from the colonial era to the pronouncement of the Truman doctrine. Although the papers thus chosen represent for the most part official material, such as treaties, statements of responsible officials, diplomatic instructions, and speeches, some non-official materials are employed; e.g., the excellent editorial in *The New York Times* of April 30, 1941, is

included to present the case against isolation. The material is arranged chronologically under thirty-five chapter headings, and each chapter is introduced by a brief but illuminating editorial note. There is a select bibliography and an index.

The University of Texas

Charles A. Timm

Other Books Received

- Ackerman, Joseph, and Harris, Marshall: *Family Farm Policy*. (Chicago, University of Chicago Press, 1947, pp. 518, \$4.00.)
- Annals of The American Academy of Political and Social Sciences: *The Motion Picture Industry*. (Philadelphia, 1947, pp. 236.)
- Baerwald, Friedick: *Fundamentals of Labor Economics*. (New York, D. X. McMullen Co., 1947, pp. 464. \$4.00.)
- Barnes, H. E.: *A Survey of Western Civilization*. (New York, Thomas Y. Crowell, 1947, pp. 959. \$5.00.)
- Bedichek, Roy: *Adventures with a Texas Naturalist*. (New York, Doubleday & Co., Inc., 1947, pp. 293. \$3.50.)
- Bogardus, E. S.: *Development of Social Thought*. 2nd ed. (New York, Longmans Green & Co., 1947, pp. 574, \$4.00.)
- Carr, Robert K.: *Federal Protection of Civil Rights*. (Ithaca, Cornell University Press, 1947, pp. 284, \$3.00.)
- Carritt, E. F.: *Ethical and Political Thinking*. (New York, Oxford University Press, 1947, pp. 186, \$3.00.)
- Chafee, Jr., Zechariah: *Government and Mass Communications*. 2 Vol. (Chicago, University of Chicago Press, 1947, pp. 829, \$7.00.)
- Chapin, F. S.: *Experimental Designs in Sociological Research*. (New York, Harper & Bros., 1947, pp. 206, \$3.00.)
- College-Age Population Study-1947-64*. (American Council on Education, Washington, D. C., 1947, pp. 27, 50c.)
- Coulter, E. M.: *The South During Reconstruction 1865-77. Vol. 8 of History of the South*. (Baton Rouge, Louisiana State University Press, 1947, pp. 426, \$5.00.)
- Coyle, G. L.: *Group Experience*. (New York, The Woman's Press, 1948, pp. 180, \$2.75.)
- Dodge, G. H.: *The Political Theory of the Huguenots of the Dispersion*. (New York, Columbia University Press, 1947, pp. 287, \$3.50.)

- Fischer, Louis: *Gandhi and Stalin*. (New York, Harpers, 1947, pp. 181, \$2.50.)
- Franklin, J. H.: *From Slavery to Freedom—a History of the American Negro*. (New York, Alfred A. Knopf, Inc., 1947 pp. 682, \$3.75.)
- Gannett, Heuy: *American Names*. (Washington, D. C., Public Affairs Press, 1947, pp. 334, \$3.75.)
- General Education Board Annual Report 1946 (New York.)
- Gillin, John: *The Ways of Men*. (New York, D. Appleton Century Co., 1948, pp. 649, \$4.50.)
- Harris, S. E.: *The New Economics*. (New York, Alfred A. Knopf, Inc., 1947, pp. 686, \$6.00.)
- Heimann, Eduard: *Freedom and Order*. (New York, Charles Scribner's Sons, 1947, pp. 344, \$3.00.)
- Horton, Bryne: *Dictionary of Labor Economics*. (Washington, D. C., Public Affairs Press, 1947, pp. 32, \$1.00.)
- Huxley, Julian: *Unesco, Its Purpose and Philosophy*. (Washington, D. C., Public Affairs Press, 1947, pp. 62, \$2.00.)
- Hyamson, A. M.: *A Dictionary of International Affairs*. (Washington, D. C., Public Affairs Press, 1947, pp. 353, \$3.75.)
- Jenkins, Elmer ed.: *Guide to America*. (Washington, D. C., Public Affairs Press, 1947, pp. 705, \$5.00.)
- Jones, W. T.: *Masters of Political Thought*. Vol. 2 Machiavelli to Bentham. E. M. Sait, ed. (New York, Houghton-Mifflin Co., 1947, pp. 388, \$3.75.)
- Jurgela, C. R.: *History of the Lithuanian Nation*. (New York, Lithuanian Cultural Institute, 1948, pp. 544.)
- Kirk, Grayson: *Study of International Relations in American Colleges and Universities*. (New York, Council on Foreign Relations, 1947, pp. 113, \$2.00.)

Lefebure, Georges: *The Coming of the French Revolution*. (Princeton, Princeton University Press, 1947, pp. 233, \$3.00.)

Lindesmith, A. R.: *Opiate Addiction*. (Bloomington, Ind., Principia Press, 1947, pp. 230, \$3.00.)

Lindsay, A. D., *The Modern Democratic State*. Vol. I, Preface by W. Y. Elliott. (New York, Oxford University Press, 1947, pp. 286, \$3.00.)

Locke, John: *Two Treatises of Government*. Ed. by T. I. Cook. (New York, Hafner Publishing Co., 1947, pp. 311.)

Lomex, John A.: *Adventures of a Ballard Hunter*. (New York, Macmillan Co., 1947, pp. 302, \$4.50.)

Nine Nieman Fellows: *Your Newspaper*. Ed. by Leon Svirsky. (New York, Macmillan Co., 1947, pp. 202, \$2.75.)

Pelcoiutis, N. A.: *Old China Hands and the Foreign Office*. (New York, King's Crown Press, 1947, pp. 349, \$3.75.)

Pierson, M. B.: *Graduate Work in the South*. (University of North Carolina Press, 1947, pp. 265, \$4.00.)

Pomeroy, D. A.: *Business Law*. 3rd ed. (New York, Southwestern Publishing Co., 1948, pp. 994.)

Ray, J. M. and Worley, L.: *Alabama's Heritage*. (University of Alabama, Bureau of Public Administration, 1947, pp. 186.)

Reed, L. S.: *Blue Cross and Medical Service Plans*. (Washington, D. C., U. S. Public Health Service, 1947.)

Robinson, Jacob: *Palestine and the United Nations*. (Washington, D. C., Public Affairs Press, 1947, pp. 269, \$2.75.)

Rostow, E. V.: *A National Policy for the Oil Industry*. (Yale University Press, 1948, pp. 173, \$2.50.)

Senior, Clarence: *The Puerto Rican Migrant in St. Croix*. (Rio Piedras, Univ. of Puerto Rico, Social Science Research Center, 1947, pp. 42, \$.50.)

Senior, C.: *Puerto Rican Emigration*. (Rio Piedras, Univ. of Puerto Rico, Social Science Research Center, 1947, pp. 166, \$1.00.)

- Simkins, F. B.: *The South—Old and New*. (New York, Alfred A. Knopf, Inc., 1948, pp. 527, \$4.00.)
- Southern Manufacturer's Tax Bill. (Lexington, University of Kentucky, Bulletin of Bureau of Business Research, 1947, pp. 88.)
- Taxation of Public Service Corporations in Virginia*. (Report of Public Service Tax Study Committee, Commonwealth of Virginia, 1947, pp. 152.)
- Terral, Rufus: *The Missouri Valley*. (Yale Univ. Press, 1947, pp. 274, \$3.75.)
- Webb, W. D.: *Municipal Home Rule Charters in Texas*. (Austin, University of Texas, Bureau of Municipal Research, 1947, pp. 54, \$1.00.)
- White, H. F.: *Marketing Problems and Policies*. (Arkansas, John Brown Univ. Press, 1946, pp. 214, \$3.25.)
- White, H. F.: *Agriculture Problems and Policies*. (Arkansas, John Brown Univ. Press, 1946, pp. 232, \$3.50.)
- White, H. F.: *Farmer and Economic Progress*. (Arkansas, John Brown Univ. Press, 1946, pp. 424, \$5.00.)
- White, H. F.: *Syllabus*. (Arkansas, John Brown Univ. Press, 1946, pp. 108, \$2.00.)
- Wilbern, York: *Cities and Riverfront Lands*. (University of Alabama, 1947, Public Administration Bureau, pp. 61.)
- Wright, L. B.: *The Atlantic Frontier 1607-1767*. (New York, Alfred A. Knopf, Inc., 1947, pp. 354, \$3.40.)

News Notes

Mr. Hilliard Jackson, formerly marketing specialist with the Arkansas Agricultural Extension Service, has been appointed cooperative agent for the U. S. Bureau of Agricultural Economics and the Department of Rural Economics and Sociology, University of Arkansas, and will serve as leader for the poultry and egg marketing research project which will be carried on in the southern states. Dr. John W. White, head of the Department of Rural Economics and Sociology, is chairman of the Executive and technical committees for the southern project. Wallace A. Chase has been appointed an instructor in the department. He will devote his time to research in the marketing of farm products and teaching in agricultural economics. Troy Mullins and Wilson Slusher, through a cooperative agreement with the U. S. Bureau of Agricultural Economics, have begun the study of farm management and mechanization in the rice-production area of the state.

Mary Gardner Borden has accepted a position on the staff of the University of Kentucky Bureau of Business Research after completing her research assignment with the Virginia Public Service Tax Study Committee. James W. Martin, Director of the Bureau, has completed his work as research director of the Virginia Public Service Tax Study Committee. William E. Newbolt has resigned his position with the Bureau staff to return to Berea College.

Dr. Donald O. Cowgill, Head of the Department of Sociology, Municipal University of Wichita, is currently directing a project to lay out census tracts for the City of Wichita with the objective of putting Wichita on a census tract basis prior to the 1950 census.

Dr. Jay W. Blum joined the Economics staff, Oklahoma A. and M. College, beginning the second semester, 1947-48, as Visiting Associate Professor of Economics. Doctor Blum served as instructor in Princeton University, 1930-32, and as a member of the research staff, School of Public and International Affairs, Princeton University, 1932-33. He has been connected with the Economics department of Kenyon College, Ohio, since 1933; with the Corporation Finance Division of the Securities and Exchange Commission, 1939-40; and was visiting Professor of Economics, Duke University, 1942-44. In the fall of 1944 he did research for the Committee on Post War Tax Policy, New York City, and is now engaged in research on venture capital which was started under a grant from the Social Science Research Council.

Mr. John R. Bertrand has been transferred from associate professor in

Rural Sociology, A. and M. College of Texas, to the position of Assistant Dean of the School of Agriculture. Mr. David G. Steinicke, formerly of the U. S. Public Health Service, has been employed to take his place.

The Department of Agricultural Economics and Sociology, A. and M. College of Texas, reports that two new research projects are being initiated: (1) a study of health problems and weeds in Texas by type-of-farming area, and (2) a survey of cooperative hospitals in Texas.

The department is starting for the first time a two-hour credit course in Boy Scout Organization for students interested in going into professional or voluntary scouting after they get out of school. Fifty-four students have registered for this course.

The department is sponsoring the third annual Rural Church Conference at College Station June 28 to July 2. Leading agriculturalists and rural church men are being brought to College for the Conference.

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The Association

Annual Convention of the Association

The annual convention of the Southwestern Social Science Association will be held March 26-27 at the Baker Hotel, Dallas, Texas. The Executive Council will meet Thursday, March 25, at 8 p.m., in Room 6. A general business luncheon is scheduled for Saturday, March 27, at noon, in the Mezzanine Lounge.

Section meetings will be held at 9 a.m. and 2 p.m., Friday, March 26, and at 9 a.m., Saturday, March 27, for Accounting, Agricultural Economics, Business Administration, Economics, Geography, Government, History, and Sociology. All section meetings are at the Baker, with the exception of the meetings of the Sociology section, which will meet in the Assembly Room of the Dallas YMCA, 605 North Ervay. Joint sessions are planned by the Accounting and Business Administration sections and by the Government and History sections for the Saturday morning period.

A Bureau of Business Research meeting will be held in Room 4 on Friday, March 26, at 9 a.m., under the chairmanship of Mr. Henry Moore, University of Colorado. The southwestern regional convention of Pi Gamma Mu, national social science honor society, is scheduled at 5 p.m., Friday, March 26, in Room 2.

Sections are requested to select the new program chairman and associate editors at the Friday afternoon session. An organization meeting of the 1949 program section chairmen will be held at 5 p.m., Friday, in Room 3.

At the general meeting in the Ballroom, at 8 p.m., Friday, Dr. Cortez A. M. Ewing, University of Oklahoma, President of the Association, will deliver the presidential address, "De Maistre and Marx in the Modern World"; and Dr. E. E. Dale, University of Oklahoma, will speak on "Wood and Water: Twin Problems of the Plains."

*Constitution of the Southwestern Sociological Society**

Article 1: Name. The name of this association, as adopted March 27, 1937, is the *Southwestern Sociological Society*. This organization succeeds the Sociology Section, Southwestern Social Science Association.

Article 2: Purposes. The purposes of this association are as follows:

1. To promote the development of sociology and related social sciences through encouragement of research and criticism relating to all

*Professor Paul B. Foreman, Oklahoma A. and M. College, Secretary of the Southwestern Sociological Society, has kindly supplied this text of the Society's constitution, which has not heretofore been made a matter of record in the *Quarterly*.—Ed.

areas of interpersonal and intergroup relationships.

2. To foster in its membership attitudes of scientific curiosity, self-criticism, tolerance, and cooperativeness.
3. To give consideration to the problems of the teaching of sociology and its truthful interpretation to the general public.
4. To foster cooperation and mutual understanding between sociologists and representatives of allied social sciences.
5. To recognize appropriately persons who have made significant contributions to sociology through research, critical formulation and speculation, effective teaching or other means.

Article 3: Affiliation with the Southwestern Social Science Association.

This society, though asserting its autonomy as a scientific association, remains as an affiliate of the Southwestern Social Science Association and is pledged to cooperate with the Southwestern Social Science Association for harmonious development in the social sciences.

Article 4: Membership. The membership of this society shall consist of two classes: active and student memberships.

1. *Active Memberships* with the right to participate in all activities of this society are available to any person who is a member in good standing of the Southwestern Social Science Association and who is interested in the promotion of the *purposes* set forth in Article 2 of the constitution.
2. *Student memberships* shall be extended automatically to all members of student chapters, organized as hereinafter provided. Student members shall have privilege of attending meetings of this society and participating in discussions. They shall not vote in *Southwestern Sociological Society* business meetings other than business meetings of affiliated student chapters and the student section of the *Southwestern Sociological Society*.

Article 5: Student Chapters. Student chapters of the *Southwestern Sociological Society* may be established in any southwestern college or university under such rules and regulations as may be prescribed by the executive committee of this society.

Article 6: Officers. The officers of this association shall be a president, a vice-president, a secretary-treasurer and three additional executive committeemen. These officers shall be elected each year at an announced business session during the annual meeting of the society. Any candidate for society office who receives a majority of the votes cast shall be deemed duly elected. The executive committee, composed of the above named officers, shall conduct the affairs of the society, pro-

mulgating by-laws and levying such membership dues and other charges as may be necessary in administration.

Article 7: Meetings and Programs. Meetings of this society shall be arranged at such times and in such places as the executive committee may find expedient. In case more than one meeting is held during a single calendar year, the executive committee shall designate one such meeting as "the annual meeting" and all business specified in this constitution as of the annual meeting shall be transacted during the designated session.

Programs for all meetings shall be arranged by the executive committee in accord with the purposes indicated in Article 2, above. The executive committee may delegate this responsibility to one of its members designated as program chairman.

Article 8: Amendments. Amendments to this constitution may be proposed at any business meeting of this society, but no amendment shall become law unless supported by the vote of two-thirds of all members present at an announced meeting for such consideration. The meeting in which such ballots are taken may not be held within three hours after the close of the session in which the proposed amendment is first presented.

Adopted: April 8, 1939.

Institutional Members

The following institutions have made financial contributions to the Association, and constitute the present list of institutional members:

Bethany College; Central State College (Oklahoma); College of Mines (Texas); East Central State College (Oklahoma); Hardin-Simmons University; Howard Payne Junior College; H. Sophie Newcomb Memorial College (Tulane); McMurray College; New Mexico State A. and M. College; University of Oklahoma; Oklahoma A. and M. College; Oklahoma Baptist University; Oklahoma City University; Oklahoma College for Women; Southern Baptist College (Arkansas); Southern Methodist University; The University of Texas; Texas Christian University; Texas State College for Women; Texas Technological College; Texas Wesleyan College; Trinity University (Texas); Municipal University of Wichita.

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THE SOUTHWESTERN SOCIAL SCIENCE ASSOCIATION

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P. F. Boyer, Business Administration, Louisiana State University

Morris M. Blair, Economics, Tulsa University

John S. Kayser, Geography, Northwestern State College

Robert A. Walker, Government, Kansas State College

Merl E. Bonney, Psychology, North Texas State Teachers College

A. L. Porterfield, Sociology, Texas Christian University



